C.B.I. No. 241, Vol. VII

COMMITTEE ON PETITIONS

(SEVENTH LOK SABHA)

SEVENTH REPORT

सत्यमेव जयते

[*Presented to Lok Sabha on 24-12-1981*]

LOK SABHA SECRETARIAT
NEW DELHI

December, 1981/Pausa, 1903 (Saka)
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Corrigenda to Seventh Report of Committee on Petitions (7LS).

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COMPOSITION OF THE COMMITTEE ON PETITIONS
(1981-82)

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Shri R. L. Bhatia

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Shri T. S. Ahluwalia—*Senior Legislative Committee Officer.*

SEVENTH REPORT OF THE COMMITTEE ON PETITIONS (SEVENTH LOK SABHA)

I

INTRODUCTION

1.1 I, the Chairman of the Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this Seventh Report of the Committee to the House on the following matters:—

(i) Representation regarding grievances and demands of workers of Departmental and Cooperative canteens in Government offices

(*ii*) Representation regarding stoppage of construction of partition wall by the Defence authorities in Golibar Maidan, Ghatkopar, Bombay

(iii) Action taken by Government on the recommendations of the Committee on Petitions contained in their Ninth Report (6LS) on the representation regarding grievances and demands of pensioners

(iv) Action taken by Government on the recommendation of the Committee on Petitions contained in their Thir Report (7LS) on the representation regarding demands of the Ministerial Staff of Indian Railways

(v) Action taken by Government on the observations of the Committee on Petitions contained in their Third Report (7LS) regarding suitable machinery for periodical review to ensure expeditious disposal of claim cases by Railways.

(vi) Other Representations.

1.2 The Committee considered the above matters at their sittings held on the 27th July, 7th August, 5th October, 9th November, and 1st December, 1981.

1.3 The Committee considered their draft Report at their sitting held on the 22nd December, 1981 and adopted it.

1.4 The observations/recommendaions of the Committee on the above matters have been included in this Report.

NEW DELHI;
December 22, 1981
Pausa 1, 1903 (*Saka*)

R. L. BHATIA,
Chairman,
Committee on Petitions.

REPRESENTATION REGARDING GRIEVANCES AND DEMANDS OF WORKERS OF DEPARTMENTAL AND COOPERATIVE CANTEENS IN GOVERNMENT OFFICES

2.1 Shri Chandrakant Jha, Working President, Canteen Mazdoor Sabha, New Delhi, addressed a representation dated the 25th March, 1980 regarding grievances and demands of workers of Departmental and Cooperative canteens in Government offices.

A. Petitioner's Grievances and Demands

2.2 In his representation (*See* Appendix I), Shri Jha stated that on 1-10-1979, the Government of India accepted that the workers of Departmental canteens would be treated as Government employees but the respective pay-scales and other amenities had not been given to them. They made the following demands:—

(1) Various canteens being run in different offices departmentally and on cooperative basis should be taken over by the Government of India and a Corporation should be set up to run these canteens.

(2) Pay-scales of all the employees working in these canteens should be fixed as per the norms given in the resolution and all the amenities as are admissible to the Central Government employees should be made available to the canteen employees also.

(3) Various other facilities available to the Government employees should also be provided to the canteen employees.

(4) The Canteen Mazdoor Sabha demands that a sub-Committee should be set up to ensure that the canteens are run properly and various items are made available to the Government employees at reasonable prices. The proposed Sub-Committee should consist of the representatives of the Government as well as the canteen employees in order to ensure uniformity in prices, cordial relations between the workers and the management.

B. Comments of the Ministry of Home Affairs (Department of Personnel and Administrative Reforms)

2.3 The representation was referred to the Ministry of Home Affairs (Department of Personnel and Administrative Reforms) for furnishing their factual comments thereon for consideration by the Committee. The Ministry of Home Affairs (Department of Personnel and Administrative Reforms) furnished their factual comments dated the 28th April and 3rd June, 1980, stating as follows:—

> "Departmental Canteens are functioning in the Government Offices as a welfare measure to provide tea, snacks, lunch etc. at reasonable rates, prepared under hygienic conditions at 'No Profit-No Loss' basis. At present there are 300 Departmental Canteens and 117 Tiffin Rooms functioning in and outside Delhi giving employment to about 5006 workers in these canteens. Management of these canteens is done by the Managing Committees constituted by the Departments/Offices in which these canteens are functioning. Some of these canteens are being run through Cooperative Societies of the employees of the Departments/Offices. Cost of setting up these canteens is met by the Government, which includes (i) subsidy on uniforms, water, electricity charges etc. and (ii) 70 per cent subsidy towards the salary of the workers of the Departmental Canteens. The workers of the Departmental Canteens have been treated as holders of civil posts with the approval of the Cabinet with effect from the 1st October, 1970. The terms and conditions of service of these workers consequent to the declaration of their being holders of civil posts, are being revised in consultation with the concerned Ministries/Departments.

The factual comments on the various points raised by Canteen Mazdoor Sabha are furnished below:—

(1) *Canteens should be departmentalised and a Corporation should be set up to look after the canteens*

Most of the canteens functioning in the Government Departments are already working as Departmental Canteens. However, some of the canteens are being managed by the Cooperative Societies of the employees. The facilities sanctioned from time to time for the employees of the Departmental Canteens, through administrative instructions through Department of Personnel & A. R. apply

equally to the employees of the cooperative canteens. Since these employees are the employees of the cooperative societies, they cannot be treated as holders of civil posts under the Government. Since each Department should have the freedom to manage a canteen catering to its employees, a central Corporation may inhibit their initiative and innovative management.

(2) *Pay Scales should be fixed on regular basis*

Pay scales of the canteen employees have been recently revised *vide* Government of India letter No. 6(2)—23/77-Welfare dated the 27th September, 1979 effective from the 1st October, 1979. The subsidy on pay of the canteen employees sanctioned by some of the Ministries/Departments is 100 per cent. In other cases it is 70 per cent. A proposal to increase the subsidy to 100 per cent uniformly for the canteens has been submitted to Government for approval.

(3) *All facilities available to the Government servants should be extended to canteen-workers such as D.A. CCA, HRA, Government Accommodation, Leave; LTC Advance and loans, Pension, Gratuity, Commutation, Encashment of leave, Education Allowance, CGHS, Payment of full salaries.*

The employees of the Departmental Canteens have been treated as holders of civil posts with effect from 1st October, 1979. Extension of some of these facilities to the canteen employees to the extent feasible are under examination with the Departments concerned.

(4) *A Sub-Committee should be set up consisting of Government servants and canteen staff to look after the canteen affairs.*

Representatives of the employees of the canteens are already members of the respective Managing Committes and their participation in the management of the canteens is already in operation. In order to allow further participation in management, constitution of a participative welfare forum in all the major cities is under examination.

(5) *The Union has suggested another revision of pay scales.*

The pay scales of the canteen employees have been revised with effect from 1st October, 1979. Further revision will be taken up as and when due in consultation with the Finance Ministry.

(6) *Director of Canteens should take initiative to standardise the sale prices of eatables in various departmental canteens all over the country. All the departmental canteens are running into losses*

because the sale prices of eatables are not being increased which were fixed very long back. The position has come to closure of canteens and retrenchment of canteen workers. Director of Canteens should lay down the uniform sale prices of eatables in all the canteens with the help of sub-committee which should include the 7 members of Canteen Mazdoor Sabha.

Prices and the varieties of eatables made and sold in the departmental Canteens vary from canteen to canteen and region to region depending upon the local needs, the tastes of the beneficiaries, the price structure etc. Regimentation of recipes and dishes and fixation of uniform prices when the availability of inputs varies from city to city is not called for. It has been left to the Managing Committees of the canteens which consist of the representatives of the offices and canteens employees also, to fix the sale prices of eatables at reasonable rates on 'No Profit-No Loss' basis. To increase or fix the prices of eatables centrally by the Department of Personnel and Administrative Reforms is neither necessary nor feasible. There is no threat whatsoever of retrenchment to the employees of the Departmental Canteens but the Heads of the offices/establishments and the management committees have a right to expect a modicum of honesty, devotion to duty and discipline from these employees. On the other hand it has been observed that the Union leaders indulge in sudden stoppage of canteen supplies and staging of agitational demonstrations during working hours in the vicinity of the offices/establishments. It may be pointed out that the Departmental Canteens are run inside the offices/establishments at certain expenditure to Government of India solely as a welfare measure for the benefits of the employees and there should therefore be no need for an agitational approach. The Canteen Mazdoor Sabha is however an unrecognised union. An enquiry has been made from the Registrar Trade Unions Delhi *vide* this Department letter No. 10/4/79-Dir. (C) dated the 14th March, 1980 as to how this union has been accorded registration, without making a reference to this Department who are concerned with the affairs of the employees of the Departmental Canteens.

Further information, as desired on the three points is furnished below:—

(1) *Conditions of Service*: Draft statutory rules, governing the conditions of service of canteen employees, consequent to the declaration of their being holders of civil posts, are under discussion with the Ministry of law (Legislative Department) at the appropriate level.

(2) (i) *Dearness Allowance*: Instead of dearness allowance, dearness relief @ Rs. 60/- and 50/- has been granted to the canteen employees in 'A' class and other cities respectively during the last pay fixation, effective from 1st October, 1979, which has now been increased to Rs. 65/- and Rs. 55/- with effect from 1st of November, 1979, the date when an increase in the last instalment of additional D.A. has been granted to the Government servants.

(ii) *Leave*: The canteen employees are at present availing of twelve days casual leave and fifteen days privilege leave per year. An improvement on this is being considered in the draft statutory rules, which are being vetted by the concerned Departments of Government of India.

(iii) *CGHS facility*: A proposal has been made to the Ministry of Health & Family Welfare, Director General of Health Services, to extend CGHS facility to the canteen employees, in cities where it is in operation, as per rules applicable to Group C & D employees of the Government.

(iv) *Uniforms*: Issue of uniforms to the bearers has been increased from two sets to three sets per year with effect from 1st of May, 1980.

(v) *Washing allowance*: Washing allowance @ Rs. 5/- per month has been sanctioned to all the canteen employees who are entitled to the issue of uniforms, with effect from 1st of May, 1980.

(vi) *Provident Fund*: Contributory Provident Fund Scheme under Employees Provident Fund Act, 1952 is being availed of by the canteens employing 20 or more workers. To other smaller canteens institutions are being issued for voluntary application of this scheme.

(vii) *Encashment of leave, Gratuity and cent per cent Subsidy on wages*: These proposals are under examination.

(viii) *Other facilities*: Other facilities like HRA, Residential accommodation, LTC, are not admissible to the canteen employees, because the objective of the Government in making them holders of civil posts was mainly to give these employees security of service and benefits consistent with their duties as canteen employees. It will not be

possible to extend all the conditions of service as for regular Government employees.

(3) *Participative Welfare forum*: Administrative Instructions for the constitution of 'Welfare Councils' in the main cities are being framed (i) these councils will consist of six members of the canteen employees democratically elected giving representation to each category of employees and (ii) four to six members to be nominated from office side. The Chairman of the Council will be a senior officer."

2.4 The Ministry of Home Affairs (Department of Personnel and Administrative Reforms) furnished *vide* their communication dated 29-12-1980, a copy of Notification No. 4(7)/79-Dir. (C), dated the 23rd December, 1980 regarding Departmental Canteen Employees (Recruitment and Conditions of Service) Rules, 1980 framed under proviso to article 309 of the Constitution. The Ministry also intimated that as regards Rule 14, medical facility, a medical allowance of Rs. 10/- (Rupees ten only) per month had been sanctioned to canteen employees.

C. *Evidence before the Committee*

2.5 The Committee at their sitting held on the 7th August, 1981, examined representatives of the Ministry of Home Affairs (Department of Personnel and Administrative Reforms) on the points raised in the representation regarding grievances and demands of workers of Departmental and Cooperative canteens in Government offices.

2.6 Explaining the background the Secretary, Department of Personnel and Administrative Reforms stated that in the Government of India Departments there were nearly 337 Departmental canteens and another 80 Co-operative canteens all over India. These canteens were attached to the various Government of India establishments all over India. The total number of canteens employees all over India for both Departmental as well as Cooperative canteens was 5000.

Departmental canteens were really a separate body. They were not owned by the Government. The employees were of the respective canteens. But they were called departmental in the sense that each canteen was attached to a particular department. Sometimes there were even more than one canteen in a particular Department if the Department was very large. They were not really managed

by the Department as such nor owned and controlled by the Department. There were Canteen Management Committees. The employees were treated as employees of the canteens.

Cooperative canteens were run by the Cooperative Societies and their management was controlled under the provision of the respective Cooperative Societies Acts.

Up to 1979, the Government's policy was to treat the canteens as a sort of a welfare scheme of the Government. Government were subsidising canteens to a certain extent to meet the recurring costs on account of staff etc. Government also provided the premises, free rooms where the canteens operated, free electricity, free water. They also provided capital grant for furniture, crockery and utensils.

In October, 1979, Government took a decision that the position and working conditions and terms and conditions of the service should be further improved. One concrete effect of that decision was (that was actually the Cabinet decision), the employees of the Departmental canteens were accepted as holders of civil posts. They became entitled to security of service and security of tenure on the same lines as was available to the Government servants. The protection under article 311 of the Constitution and protection under the Government servants Conduct Rules was granted so that no arbitrary action could be taken against any canteen employee.

Specific terms and conditions of service were also drawn up and they were notified by the Government in January, 1981.

Financially also certain improvements were effected in the emoluments of the canteens employees as compared to the position as it stood before October, 1979. In a limited way they had been given medical allowance.

There was no recognised union of the canteen employees. These unrecognised unions or groups of employees had been submitting petitions indicating their different grievances. About twenty days back he had a meeting with the office-bearers of one of the unrecognised unions to discuss with them their various grievances. The general grievances had been that while some improvement had been effected in the terms and conditions of service as well as in the emoluments of the canteen employees they should be treated fully at par with Government employees and should be given the Pay scales, DA and all other benefits as were admissible to the

Government employees. But it was not possible for the Government to accept them as employees of Government and give them emoluments as were given to regular Government servants.

2.7 The Secretary of the Department of Personnel and Administrative Reforms further stated that Government generally provided a grant upto 70 per cent of the recurring cost on account of the running of the canteen. 30 per cent of the running cost only was met from the earnings of the canteen. These canteen which were having approved bye-laws were enjoying grants-in-aid upto 70 per cent of the running cost.

Over all expenditure on account of subsidising for Departmental canteens and Cooperative canteens was annually to the tune of Rs. 1.63 crores. If full benefits were given to the Government canteen employees as were given to the Government employees, an extra expenditure would be of about Rs. 1 crore according to rough calculation.

2.8 In regard to the suggestion for setting up of a Corporation to run these canteens, the representative of Department of Personnel and Administrative Reforms stated that it was not likely to improve the working of the canteens. These canteens were spread all over India. Each of the canteen was fairly a small unit. One Corporation could not look after the management. Each canteen should have a Managing Committee. Local head or its representative should be involved in the management of the canteen. Then only canteen affairs could be managed with reasonable efficiency. A centralised Corporation could not do justice to the management of 337 Departmental canteens and 80 Cooperative canteens *i.e.* 417 canteens which were scattered all over the country.

There was one suggestion that for management of each canteen a Committee should be set up consisting of Government servants and some representatives of the canteen staff. Actually each canteen had got a Managing Committee or was supposed to have a Managing Committee including one Member from among the canteen employees.

2.9 The Secretary of the Department of Personnel and Administrative Reforms submitted that not all canteens were very well managed. They had recently tried to monitor the performance of some of the canteens, evolved a questionnaire and the Director of Canteens had personally gone into the working of 23 canteens to see how they were working, whether they were working on profit or they were working on loss. and how their working could be

improved so that the financial position of canteens improved and the dependence of canteen management on Government subsidy to meet 70 per cent of the runnig cost could be reached to some extent. Or. otherwise, even if the Government agreed to continue to pay 70 per cent subsidy, with better earnings, possibly the emoluments of canteen workers could be improved or they could be given certain other benefits. This was also one of the matters which he discussed with one of the Canteen Mazdoor Unions who met him very recently. Every canteen or, at least, better-managed canteens had got their own committees to look after he work. These committees had got one representative on behalf of the staff of canteens and the representatives of the employees of the department who were interested in the proper functioning of the canteen. Generally, the Chairman of the Canteen Management Committee was an officer nominated by the head of local office.

Regarding the question of standardisation of sale prices, they had given some thought to that matter. But in the very nature of things, they had not found standardisation to be feasible because different canteens either located in different parts of the country or in different areas of the same city could not have standardised prices. Even in the same city, in respect of canteens located in different parts of the city and also catering to different groups of Government employees, quality-wise, it was very difficult to standardise. Unless the quality was standardised, the pries could not be standardised. The price of a Samosa might be 15 p. in one canteen and 20 p. in another canteen. But the size of the Samosa might be different. The same thing applied to Dosa which was a usual item of lunch. The size of the Dosa and the quality of the Dosa varied from canteen to canteen. It was very difficult to enforce standardisation. But it has been their effort to see that the working of canteens, particularly, in Delhi city where the Director of Canteens was having his headquarters should be monitored and all efforts should be made to get the Heads of Departments interested in the proper functioning of the canteens so that their income improved and, thereby, they were able to gradually improve the emoluments of the canteen workers, besides rendering a better service to the Government employees who were normally the customers of these canteens.

Regarding the demand concerning pay scales and other allowances, the representative stated that an instalment of improvement in the pay scales was given in October, 1979. As regards Dearness Allowance also, with each instalment of DA which was given to Government employees, an increase was given to the canteen em-

ployees also, though not in the same order. But still, with every instalment of DA to government employees, an extra amount was also given to canteen employees.

They had also given medical allowance of Rs. 10/- p.m. which was rather a small amount. They were considering whether the medical allowance could be augmented to a higher figure.

2.10 On being asked to state the difference between "holder of a civil post" and "a regular Government employee", the Secretary of the Department of Personnel and Administrative Reforms, stated that they were not Government servants in the sense they were not serving the Government directly. They were employees of the departmental canteens. But the legal protection which was available to the Government servants under article 311 of the Constitution, regarding the security of tenure had been extended to the canteen employees by declaring them as "holders of civil post". But by declaring them as "holders of civil post", they did not automatically become eligible to pay scales and other emoluments as were admissible to other Government servants.

In reply to a question, the representative of the Department stated that the demands of the canteen workers were to be considered on merits. The canteen workers were not in the picture before the Third Pay Commission which advised the Government regarding the pay scales of various grades of Government employees. Now, they had been given the legal protection, the security of tenure and also some improvement in the terms and conditions of their working. The Government had certainly, by this, shown their interest in the welfare of canteen employees as well as their interest in the better functioning of the canteens. But the Government had not yet accepted the position that automatically by declaring them as "holders of civil post", they were also eligible to the same pay scales, same D.A. and other financial benefits which the Government employees got. The gradual extension of more financial benefits to canteen employees might be a matter of time and also a matter of overall financial situation facing the Government, the overall financial constraint under which the Government had to operate. If the other financial benefits were to be extended, an extra expenditure would be about over Rs. 1 crore.

2.11 When asked to explain difficulties on the part of Government in acceding to demands of canteen workers, the representative of the Department of Personnel and Administrative Reforms stated that some positive steps had already been taken to bring

about some improvement in the conditions of service and in the emoluments. The Government had also their financial constraints. It was not only the question of canteen employees. There were others also, other situations also. Cooperatives were run by their own managements. They could not take over all the managements themselves, unless they wanted to hand them over to the Government. There were other similar institutions like the Government Employees Consumer Cooperative Societies and others subsidised by Government as part of their measures for the welfare of Government employees, *i.e.* a chain of cooperative stores. Their employees also had similar demands. Government provided some subsidy and assistance to the cooperative consumer societies for their running. Even though such stores were said to be working for the benefit of the Government employees, Government had not found it possible to accept all of them as regular Government employees. Then the responsibility got diluted. Anything that was done for canteen employees would become a precedent to be extended to the other employees and thus the ultimate financial responsibility would not merely be Rs. 1 crore. There would be larger financial implications for Governmental activities under which they gave subsidies under welfare schemes.

The representative of the Department further stated that Government had their financial constraints. They had done something. Demands made from time to time were given sympathetic consideration in the Department. But some of issues had got implications and other Ministries were involved in taking a decision. They were also quite alive to the situation. Some of the canteen union leaders also met the Home Minister recently. He had also directed the Department to examine the matter sympathetically and to do the utmost that could be done. Within the constraints of financial situation and the other implications which might arise, they in the Department were trying to do as much as they could. Probably, it was a matter of time and of gradual improvement of their terms and conditions consistent with financial stringency and operational efficiency of the canteens. Government had appointed a full time Director of Canteens to see that these things were given constant attention.

2.12 On an enquiry, the Secretary of the Department of Personnel and Administrative Reforms informed the Committee that if they were not managing their canteens well and they wanted the Government to take over an individual canteen then, depending upon the state of affairs prevailing there, the Government could appoint for the time being an administrator to run it for one year, to bring about some improvement and then hand it back to the Cooperative Society.

After all, promotion of economic activities through the medium of cooperative organisation was also one of the policies of the Government. Normally they would not like to take over the co-operatives, just for the sake of it and bringing them on par with departmental canteens. But certainly it would be their responsibility if the cooperatives were not managing things properly. Then the Registrar of Cooperative Societies could appoint an administrator to run them. These remedies were available within the frame-work of cooperative laws and rules. But there were as many as Cooperative Societies and some of them were running well. It might not be a good policy to bring everything into the form of departmental canteens.

2.13 In reply to question, the representative of the Ministry informed the Committee that previously the canteen employees were eligible to 15 days E.L. and 12 days C.L. per year. According to revised position now they were eligible to 20 days E.L. and 10 days C.L. As against a total availability of 27 days leave earlier, the present availability was 30 days in a year. This had been provided under rule 13 of Rules notified in January, 1981. But the overall benefit now went to the employee. He was entitled to more leave than earlier. He also informed the Committee that canteen workers were given three sets of uniform every year and one jersey once in three years. They were also given washing allowance of Rs. 5/- p.m. They were getting benefit of CPF and gratuity. They were also trying for CGHS facilities for them.

2.14 In reply to a query, the Joint Secretary of the Ministry of Home Affairs (Department of Personnel and Administrative Reforms) stated that each Department was running the canteen individually. The Department of Personnel and Administrative Reforms did only supervisory work and determined the general policy of Government regarding the employees of the canteens.

D. *Observations/Recommendations of the Committee*

2.15 The Committee note that Departmental canteens are functioning in Government offices as a welfare measure for Government servants. Management of these canteens is under the Managing Committees constituted by the Departments/offices in which these canteens are functioning. Some of these canteens are being run through Cooperative Societies of the employees of the Departments/ offices and their management is controlled under the provision of respective Cooperative Societies Acts. Cost of setting up these canteens is met by Government which includes subsidy on uniforms, water and electricity charges and free premises. 70% subsidy is given towards the salary of workers of Departmental canteens.

Workers are treated as employees of the canteens and of the Co-operative Societies. In October, 1979, the Government had declared employees of the Departmental canteens as holders of civil post making them eligible for security of service and security of tenure on the same lines as was available to Government servants under article 311 of the Constitution of India. Specific terms and conditions of service had been drawn up for them and were notified by Government in January, 1981.

2.16 In regard to financial benefits, the Committee note that an improvement in the pay scales of canteen workers was effected in October, 1979. With each instalment of Additional Dearness Allowance which is given to Central Government employees, an increase though not in the same order is given to canteen workers also. The Secretary of the Department of Personnel and Administrative Reforms has stated during evidence that demands of canteen workers are being given sympathetic consideration, but it is not possible for the Government to accept them as employees of Government and give them emoluments and other facilities at par with regular Government servants due to financial constraints and other implications. However, gradual extension of more financial benefits to canteen employees is a matter of time.

2.17 As regards the demand made by the petitioners that Government should take over managements of all the canteens and a Corporation set up to run these canteens, the Government have stated that since each Department should have the freedom to manage a canteen catering to its employees, a centralised Corporation may inhibit their initiative and innovative management. It would not also improve the working of canteens which are scattered all over the country and which have to be run in the interest of local employees. Further, promotion of economic activities through the medium of cooperative organisation is also one of the policies of the Government. The Government have already appointed a full time Director of Canteens to ensure that functioning of canteens with reasonable efficiency is given constant attention. The Secretary of the Department of Personnel and Administrative Reforms has further stated that the canteen affairs can be managed with reasonable efficiency only through the Managing Committee consisting of local head or its representatives, Government servants and some representatives of canteen staff.

2.18 As regards standardisation of sale prices of eatables, the Committee note from the views of the Government that prices and varieties of eatables sold in Departmental canteens vary from canteen

to canteen and region to region depending upon local needs, tastes of beneficiaries and availability of inputs at variable prices etc. It has been left to the Managing Committees of canteens to fix sale price at reasonable rates on 'No Profit, No Loss' basis.

2.19 The Committee after careful consideration of the matter recommend as follows:—

(i) The Government should draw up a programme for gradually extending financial benefits and other facilities to canteen employees at par with the Central Government employees.

(ii) Government should not take over the management of Departmental canteens. Nor there is necessity of setting up a Corporation to run these canteens. Each Department should have full freedom to run the canteen by a Managing Committee consisting of representatives of local head, Government servants and canteen staff. Proposed participative welfare forum in major cities should be finalised expeditiously and constituted.

(iii) Standardisation of sale prices of eatables served in these canteens is neither feasible nor desirable. Managing Committee of the canteens should decide the sale prices of eatables at reasonable rates on 'No Profit, No Loss' basis.

(iv) Medical allowance which is Rs. 10/- p.m. at present should be augmented to a higher figure in case CGHS facility is not extended to canteen workers.

(v) Subsidy on account of the pay of canteen staff which is 70% at present should be increased to 100%.

(vi) The Department of Personnel and Administrative Reforms should take keen interest in the smooth and efficient functioning of canteens in Government offices and in the welfare of canteen workers.

III

REPRESENTATION REGARDING STOPPAGE OF CONSTRUCTION OF PARTITION WALL BY THE DEFENCE AUTHORITIES IN GOLIBAR MAIDAN, GHATKOPAR, BOMBAY

3.1 Dr. Subramaniam Swamy, M.P., forwarded a representation signed by Shri V. H. Bhonsle and other residents of Golibar (Huts-ments), Ghatkopar, Bombay against construction of partition wall by the Defence authorities in Golibar Maidan, Ghatkopar, Bombay.

A. *Petitioners' Grievances and Demands*

3.2 In their representation dated the 22nd December, 1980, petitioners stated as follows:—

"We are staying for last 30 to 35 years in this area and the Municipal Corporation or Government has done so many better affairs (proper needs) for the hutment people, but the portion from Sarvodaya Hospital to Jagdusha Nagar has not improved at all and sometimes we make the essential things with our own expenditure for comfortable living but we poor people are unable when the problem of big expenses stands before us. Therefore our area has gone in the lowest and backward situation.

When we request the Municipal Corporation regarding this matter we are replied that they cannot do anything for you as the land belongs to the Central Government. But as per our knowledge the Government has taken such hutment area in our possession and has done comfortable and better living for the hutment people but really we regret and feel, that why Government cannot do same good things for our poor people? We are prepared to pay the necessary taxes if you be kind enough to consider this case sympathetically.

In this troublesome circumstances you are putting the wall partition by both the sides and naturally we will come in worst tribulations by this construction of wall partition:

(i) Because 75 p.c. of us are using the same maidan for latrines as the latrines are not sufficient for all the residents.

(ii) We have also dug two water wells by our big contribution as the water taps are very insufficient and this can be stopped by your wall partition.

(iii) In rainy season it is very dangerous when the water blows heavily till our rooms and due to wrong consaccommodation. The land at Ghatkopar was thus to be maidan. This will be also very much terrible occasion in heavy rains.

(iv) If somebody dies it will not be possible to take his corpse out of the place by this wall partition.

(v) We also always use this maidan for meetings, any function and playing games for our children.

We have also showed these difficulties personally to our sincere leaders and to Mr. S. Swamy here before. Therefore we all request you to kindly cancel this wall construction for our goodness and many facilities which are essential for our happy and peaceful life.

We shall be highly obliged if you please stop this wall matter with your kind authority and favour to these poor people. Hoping that the merits of our important case will not fail to elicit your favourable action and sympathetic cooperation."

3.3 In the forwarding letter dated the 22nd December, 1980, signed by Dr. Subramaniam Swamy, M.P., it has been prayed that:

"That the said construction be not proceeded with, and an amicable settlement be arrived at after negotiation with the MP of the area who shall represent the residents in the said grievance."

B. *Comments of the Ministry of Defence (Department of Defence Production)*

3.4 The representation was referred to the Ministry of Defence (Department of Defence Production) for furnishing their factual comments thereon for consideration by the Committee. In their factual comments dated the 28th July, 1981, the Ministry of Defence have stated as follows:—

"Approximately 33 acres of defence land, known as GIP and RFI Range, Ghatkopar, Bombay had been earmarked initially for the Directorate General of Inspection, under the Ministry of Defence, for construction of office and residential accommodation for its establishments located in Bombay. Subsequently, a plot of land at Vikhroli was

made available for construction of DGI office accommodation only, as the land at Ghatkopar was not found adequate for construction of both office and residential accommodation. The land at Ghatkopar was thus to be utilised for construction of residential accommodation for DGI Estts.

(2) The project for construction of residential accommodation for DGI Estts. was held in abeyance due to general economy instructions of the Government of India under which a ban was imposed on construction of residential accommodation.

(3) It was brought to the notice of the Ministry of Defence in 1978 that heavy unauthorised encroachments had taken place on the plot of land earmarked for the DGI residential accommodation. Consequent upon un-authorised encroachment on the major portion of the defence land, Army HQrs. finally transferred only the un-encroached area of the land measuring 56,300 Sq. Mt. out of a total area of 33 Acres, vide a Government sanction issued in January, 1981.

(4) The Bombay Municipal Corporation also wanted a 60 ft. wide strip of land to be handed over to them for construction of a public road passing through defence land, before issuing a 'no objection' certificates. As per the requirement of the Bombay Municipal Corporation, the Government have transferred 8737 sq. mt. of land, out of the un-encroached portion to the Bombay Municipal Corporation for construction of a 6 ft. wide road. In the meantime, in order to avoid further encroachment on the Government land, it was decided to provide a boundary wall around the perimeter of the land. This boundary wall is 1.2 metre high, mounted by barbed wire fencing. Work on the construction of boundary wall has been held up because of obstructions by the un-authorised encroachers on the Defence land.

(5) The petition by the un-authorised residents in the Golibar Rifle land has been examined and the following comments are offered on the various demands:—

(a) Because 75 p.c. of us are using the same maidan for latrines as the latrines are not sufficient for all the residents, the boundary wall should not be put.

It would be appreciated that the land has been allotted to a Defence establishment for construction of residential

accommodation for its officers and staff. This land cannot be allowed to continue to be used as a latrine ground for the un-authorised residents. If there are insufficient latrines, the local Municipal Corporation should provide adequate number of latrines for use by the residents. If the boundary wall is removed and the residents continue to use the land as latrines, it will be impossible for the Defence establishment to contract residential accommodation. In any case, the use of Government land for purposes of latrines cannot be permitted.

If the taps presently available are considered insufficient, the the taps are very insufficient and this can be stopped by the wall partition.

If the taps presently available are considered insufficient, the local Municipal Corporation should be asked to instal additional taps for use by the residents. The land which has been allotted to DGI for construction of residential accommodation for its officers and staff cannot be allowed to be used for any other purpose.

(c) In rainy season, it is very dangerous when the water blows heavily till our rooms and due to wrong construction of drainage, we used to cut the water in this maidan. This will also be very much trouble occasion in heavy rains.

If the drainage has been constructed wrongly, the same should be set right, rather than that the water should be diverted to Government land. The local Municipal Corporation should provide adequate drainage arrangements so that the difficulties faced by the residents are removed.

(d) If somebody died, it will not be possible to take his corpse out of the place by this wall partition.

As already mentioned above, we have transferred 8737 Sq. Mt. of the land to Bombay Municipal Corporation for construction of a 60 ft. wide road. Since the boundary wall is being constructed around the land allotted to DGI, after setting aside the land for construction of road, the residents should not face any difficulty of the type mentioned by them, as the road can be used by them. The Bombay Municipal Corporation should be advised to expedite the construction of the road, so that the residents are not put to any difficulty.

(e) We always use this maidan for meetings, any function and playing games for our children.

Since residential accommodation is to be constructed for DGI Estts. located in Bombay, on the plot of land around which boundary wall is being constructed, it will be appreciated that this land cannot now be used for any other purpose. The residents should approach the local Municipal Corporation for providing them the above amenities.

(6) In view of the position explained above, it will be seen that the construction of a boundary wall around the perimeter of the land allotted to the DGI for construction of residential accommodation is very necessary in order to preserve this land from any further encroachment. It will be appreciated if the residents are advised not to obstruct the construction of a boundary wall around the perimeter of the land allotted to DGI for construction of residential accommodation."

C.Recommendation of the Committee

3.5 The Committee note from the factual comments furnished by the Ministry of Defence stating inter alia that the land in question has already been earmarked for construction of DGI residential accommodation which was held in abeyance due to general economy instructions. In 1978, it came to the notice of Ministry that heavy unauthorised encroachment had taken place on that land. The Government have also transferred to the Bombay Municipal Corporation for construction of a public road a 60 ft. wide strip of land measuring 8737 Sq. Mts. out of the un-encroached portion of land. In order to avoid further encroachment on the Government land, the Ministry have decided to provide a boundary wall around the perimeter of the land, mounted by barbed wire fencing. Work on the construction of boundary wall has been held up because of the obstructions by the unauthorised encroachers on the Defence land. The Committee regret the obstructions being created by the local residents in the construction of boundary wall. The Committee are of the firm opinion that no encroachment on the Government land should be allowed. All Defence land should be properly fenced to avoid encroachment wherever there is a possibility. Annual inspection/check of Defence land may also be conducted in order to ensure that there is no encroachment on the Government land.

3.6 The Committee have all sympathies for the petitioners in regard to provision of civic amenities and facilities for them. The

Committee desire that the Defence authorities should take up with the Bombay Municipal Corporation authorities the matter regarding provision of civic amenities to local residents. They may consider the necessity of transfer of a small piece of land to them on payment in accordance with the Government orders on the subject for construction of pucca latrines etc. for the convenience of local residents if no other suitable land is available.

IV

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR NINTH REPORT (SIXTH LOK SABHA) ON THE REPRESENTATION REGARDING GRIEVANCES AND DEMANDS OF PENSIONERS

4.1 In their Ninth Report (Sixth Lok Sabha), the Committee on Petitions considered a representation regarding grievances and demands of pensioners and made certain observation of recommendations.

4.2 The Ministries of Finance (Department of Expenditure), Home Affairs (Department of Personnel and Administrative Reforms) and Works and Housing were requested to implement the recommendations of the Committee. The observations/recommendations of the Committee and the action taken replies thereon furnished by Government are given below seriatim:—

Observations/Recommendations made by the Committee in their Ninth Report (6LS)	Action taken by Government
1	2
	Ministry of Finance (Department of Expenditure) O. M. dated the 11th September, 1979.
(1) The Committee are of the view that Government owe a moral responsibility to provide adequate relief to its retired employees including pre 1-1-1973 pensioners, whose actual value of pensions has been eroded by the phenomenal rise in the prices of essential commodities. In view of the present economic conditions in India and constant rise in the cost of living due to inflation, it is all the more important even from purely humanitarian considerations, if not from the stand point of fairness and justice, to protect the actual value of their meagre pensions to enable the pensioners to live their declining years with dignity and in reasonable comfort. The Central Government have recently granted instalments of graded relief to pensioners. But these are inadequate. Further inspite of several graded relief granted by Government there still persists a wide differential between the pre-1-1-1973 pensioners	(i) Government have considered the question as desired by the Committee. A person's entitlement to pensionary benefits is determined with reference to the rules in force at the date of retirement. Any liberalisation of pensionary benefits is generally given only prospective effect as a matter of general policy. Therefore, whenever there is any revision of pay-scales or pension rules, there is bound to be disparity in the retirement benefits of those who have retired before and after the liberalisation comes into effect. For instance, the recent improvement in the pension formula on a slab basis has been made applicable only to those retiring on 31st March, 1979 or thereafter. In case the pre-1-1-1973 pensioners are allowed the same benefits as are admissible to post-1-1-1973 pensioners, is will involve very heavy financial impli-

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and those who retired after 1-1-1973. In order that the superannuated employees do not suffer economic distress in old age after serving Government during the prime of their life, the Committee observe that there is sufficient justification for compensating the reduction in value of pension of pre-1-1-1973 pensioners also. The Government may consider the question of providing more relief to them to bring them to the level of those who retired after 1-1-1973 in the matter of pensionary (benefits (Para 2·49).	cations the details of which are given in sub-para (iii). (ii) Government have, however, been granting relief to pensioners and this relief is related to the cost of living index. In this connection, it may be mentioned that the Third Pay Commission recommended relief for *future pensioners* at the rate of 5% of pension subject to a minimum of Rs. 5%-and a maximum of Rs. 125/- for every 16-point rise in the 12-monthly average of the consumer price index. This recommendation was accepted by Government and was made applicable not only to future pensioners but also to those who had retired before the date of effect of the recommendations of the Third Pay Commission, i.e., 1-1-1973. The first instalment of relief on the basis of the recommendations of the Third Pay Commission was allowed at the average index level 216 with effect from 1-8-1973, the second from 1-1-1974, the third from 1-4-1975, the fourth and fifth from 1-10-75, the sixth from 1-4-1977, the seventh from 1-9-1977 and eighth from 1-12-1978. In addition, pre-1-1-1973 pensioners have been allowed *ad hoc* relief ranging from Rs. 15/- to Rs. 35/- p.m. The graded relief of 5% of pension allowed to such pensioners is calculated on pension plus *ad hoc* relief. The graded relief admissible to pensioners at present is 40% of pension, subject to a minimum of Rs. 40/- and a maximum of Rs. 200/- per month. The last instalment covers the 12-monthly average consumer price index of 328. (iii) Government would like to assure the Committee that they are conscious of the hardship caused to pensioners and hav provided a measure of relief to them as indicated above. What defers Government from making improvements of a substantial nature is the high cost involved. For example, if pre-1-1-1973 pensioners are brought on to the same retirement benefits as are applicable to post-1-1-1973 pensioners the expenditure on enhanced gratuity and pension during the first year will be Rs. 142·72 crores (Working Sheet attached at Appendix II).
(2) The Committee note that commutation of pension is an optional facility available to a Government servant to get a lump-sum amount to meet his immediate liabilities against foregoing a portion of his	This recommendation has been considered by Government. Commutation involves an exercise of judgement on the part of the pensioner after taking into account factors like monthly pension

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pension for life. It involves a risk for both the Government and the pensioners. The Committee are of the view that while this has its merit from a strictly legal point of view, but it is harsh on the living pensioners who have outlived their commutation period and are struggling to live in their old age. The Committee desire the Government to compassionately consider this aspect of the matter more from a humanitarian, than a strictly legal point of view, in order to mitigate their hardships and should review the whole scheme of commutation of pensions at a higher level. (Para 2.50).	admissible after commutation, other sources of income if any, immediate requirements and expected longevity. Government have provided the option to him to commute or not. Usually, a pensioner, who needs a substantial amount of money immediately after retirement either to meet social or domestic obligations or to acquire assets, goes in for commutation and when he does so he exchanges a life time benefit for a lumpsum amount. If the commuted portion of pension is restored to pensioners, who outlive the period taken into account for commutation purposes, it would result in considerable expenditure. The initial expenditure will be very high because all those who retired during periods upto 1969 and are still alive would claim full pension; so will the families of those out-live the period and have since passed away. The re-opening of past cases will also throw on the administration and accounting machinery a burden which cannot be under-estimated. In this connection, it is significant to note that a large number of persons ask for commutation knowing that the commuted portion will not be restored to them.
(3) The Committee are of the view that the existing pension formula is inadequate in view of the phenomenal rise in prices during the last several years. It is on the low side even in comparison to the pension formula in the U.K. and many other countries. The Committe, therefore, recommend that the pension formula in our country should be urgently revised upwards. (Para 2.51)	The pension formula has been considerably liberalised recently in consultation with the Staff side of the J.C.M. It must, however, be mentioned that the revised formula applies only to persons retiring on or after 31st March, 1979. The Government of India does not have a system of automatic increase in the quantum of pension in relation to the cost of living index. However as indicated above, there is a system of granting relief to pensioners and this relief is linked to the cost of living index. Whenever there is a 16-Point rise in the 12-monthly average of the consumer price index, pensioners are allowed an additional instalment of relief 5% of pension subject to a minimum of Rs. 5/- and a maximum of Rs. 25/- per month. Government have been trying to compensate pensioners in the same measure in the cost of living by granting them instalment of relief from time to time. The relief is in the nature of a dearness allowance and there is no fixed periodicity for it. This is the best that can be done in the present circumstances.

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(4) The Committee have been infrmed by Government that the Joint Consultative Machinery (JCM) has been set up with the object of providing harmonious relations between Government, in its capacity of emloyer and the general body of its employees and that as the JCM looks after the interests of pensioners also, there is no need to set up a separate JCM. The Committee recommend that Government may have pensioners representatives also on the JCM, so that their problems are adequately considered at meetings of the J.C.M. (Para 2.52).	*Ministry of Home Affairs (Department of Personnel Administrative Reforms) O.M. dated the 31st March,* 1980. In the reply to the Lok Sabha Secretariat it has been mentioned by the Ministry of Finance that the JCM does look after the interest of the pensioners also. This was in the context of a request made to the Petitions Committee by a pensioned for the setting up of a Joint Consultative Machinery for resolving the differences of views on specific matters between the Government and the pensioners. (II) The JCM Scheme covers all regular civil employees of the Central Govt., except certain specified categories (clause 1). Clause 4 of the said Scheme says that "the National Council will do with matters affecting the Central Government employees generally, such as, mini-remuneration, dearness allowance and paid of certain common categories, and matter relating to the categories of staff common to two or more Departments, etc." Clause 9 thereof, dealing with Scope and Functions of the Scheme, mentions that the scope of the Councils (meaning National as well as Departmental Councils will include all matters relating *to conditions of service and work, welfare of the employees and improvement of efficiency and standards of work etc.* Thus, the Constitution of the Scheme as well as scope and functions of the Councils as reflected in the clauses referred to above, make a specific mention of regular civil Central Government employees, as the clientle of the JCM Scheme whic hhas been fromulated and installed, in terms of the objects of the Scheme as given in its prefactory paragraph, with a view to promoting "harmonious relations and securing the greatest measure of cooperation between the Government in its capacity as employer and the general body of its employees in matters of common concern and increasing the efficiency of the public service." On superannuation or on other forms of retirement, the employees sever their ties with the Government and join the band of pensioners, their nexus with the Government is maintained only through pension. They are no longer employees; to whom the normal rules and regulations which regulate the conditions of ser-

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	vice and other career aspects of the regular employees will apply. For the pensioners there can be no condition of service. Therefore, pensioners cannot form part any of the schemes like JCM which are operative for providing a forum for discussion of the conditions of service and work and improvement of efficiency of the public service, with a clear and unambiguous focus on the serving employee. It is, therefore, not possible, without vitally changing concept of the exsiting JCM Scheme (requiring for this the Staff Side agreement) to induct the pensioners into the fold of the existing JCM.
	(III) It is no doubt true that some of the items such as, (i) Self financing Scheme to increase pension to the level of the last pay drawn for Central Government employees; (ii) Commutation of 1/3 pension for 10 years; (iii) Confirmation in service as a condition for the grant of pension; and (iv) Removal of the conditions of one year service for eligibility for family pension etc. were adimitted and discussed in the National Council. But, strictly speaking, they are issues relating to the conditions for the grant of pension, its quantum and other aspects of terminal benefits to serving employees. These have to be viewed, in a way, as conditions of service of the *serving regular employees of the Government* and do not amount to cover the problems of the pensioners as such a category. The distinction, though subsubtle is vital to proper appreciation of the issues involved, particularly in the context of the JCM Scheme itself.
	(IV) There is a proposal under consideration for the setting up of administrative tribunals for adjudicating the grievances of Central Govt. employees as also officers of the all India Services in respect of their service matters. In the proposed set-up specific provision has been made that the administrative Tribunals will also include in its scope the grievances or any matter referred to the Tribunals by pensioners also. This is considered as a sufficient safe-

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	guard for dealing with pensioners problems and grievances.
	(V) In the light of this, it is considered not necessary to include representatives of pensioners on the National Council nor would it be appropriate to do so considering the terms of reference of the National Council.
(5) The question of housing difficulties for the pensioners was also raised before the Committee. In this connection, the Committee in their Ninth Report (Fifth Lok Sabha) had noted that the Delhi Development Authority had launched a scheme for the registration of public servants retiring within three years, i.e. between 1st April, 1972 and 31st March, 1975, for the purchase of house-flats built by D.D.A The Committee expressed the hope that that scheme would not only be continued but further improved and extended to cover these employees who might be retiring during the next five to seven years and also to those who had retired before 1st April, 1972. The Government in their action taken reply had intimated (*vide* Fourteenth Report of Committee on Petitions of Fifth Lok Sabha) that the above recommendation of the Committee had been accepted and that instructions in this regard had been issued to the DDA *vide* Ministry of Works & Housing DO letter No. H-11013(1)/73-UD.1 dated the 4th April, 1973 to the Vice-Chairman of D.D.A.	*Ministry of Worku and Housing O.M. dated 6th July*, 1981. The DDA had floated a special registration scheme for the retiring Gorvenment servants who were retiring between 1-4-72 and 31-3-75. The scheme was floated during the period from the 21st September, 1972 to the 20th October, 1972. Under this Scheme, 848 persons got themselves registered, out of which 283 persons withdrew their registration leaving a balance of 565 persons. Against this number, DDA had constructed 769 flats. 356 persons got the flats allotted to them and the remaining 209 did not come forward to take the flats constructed at Sheikh Sarai under this scheme. Subsequently, the DDA had to throw open the flath to others who were registered under general registration scheme and Self Financing Scheme and who were likely to retire upto 31-3-81. Till the end of 1980 the DDA thus did not have any other scheme catering exclusively for the retiring/retired public servants. There is also no reservation for retired Government servants in the DDA flats at present.
The Committee reiterate that the aforesaid scheme should be continued by DDA and the present shape and future scope of the scheme may be intimated to the Committee (Para 2.53).	The DDA have now floated a Special Self Financing Housing Registration Scheme for retiring/retired public servants from 7th January, 1981 to 28th February, 1981 covering persons retired or retiring from 1978 to 1982. A copy of the brouchure issued in this behalf is attached. *See* Enclosure II.
(6) The Committee find from the submission made by the petitioners that three pay commissions were appointed by the Government of India for reviweing and revising the pay scales and pensionary benefits of the serving employees but to none of these Commissions the question of revising the scales or quantum of pension of retired Central Government servants was referred to in specific terms. The Government, however, considered the question of grant of relief to pensioners in the light of the recommendations of the Third Pay Commission in the matter of pensionary benefits to serving employees without giving	*Ministry of Finance (Deptt. of Expenditure) note dt. the March* '80. Government does not propose to apppoint Pension Commission.

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any opportunity to pensioners to state their point of view. The petitioners have requested that a Pension Commission be appointed by Government in order fair deal and justice to pensioners. The Committee has also been informed by Government that the recommendation of the Study Group on Wages, Incomes and Prices (Bhoothalingam Committee) for appointment of a Pension Commission to look into the problems of all types of pensioners, is under consideration by a Cabinet Committee consisting of a Deputy Prime Minister (Finance) and Ministers of Home, Labour, Industry and Petroleum, Chemicals and Fertilizers.	
In the light of the foregoing observations, the Committee strongly recommend that a Pension Commission be appointed expeditiously by the Government to examine the problems and demands of the pensioners in depth. (Para 2.54).	

4.3 The President, All India Organisation of Pensioners, New Delhi, has addressed a representation dated the 26th April, 1981 stating as follows:—

"Ours is a registered society under the Society Registration Act and is functioning from 15th March, 1970 on behalf of Civil and Military Pensioners of all the States in India, numberng over 2 lakhs.

We would like to appeal to the Members of Petition Committee through you, that the follwing points of our members may kindly be given a sympathetic consideration and the Union Government be requested to give a favourable decision.

Disparity/Discriminations in Pensions

For the past couple of years all the Central bodies of the Central Government Pensioners in India had been struggling hard and making appeals to the Union Government that a Pension Commission may kindly be appointed to remove 'disparities in pensions' and improve the retirement benefits of the aged and elderly pensioners. Even the Boothalingam Committee's recommendations were kept pending so that they may be considered by the Dy. P.M. and 4 other Union Government Ministers for a final ruling.

This promise was made on the floor of the Lok Sabha on 6th April, 1979 in reply to Unstarred Question No. 6345 dated 6th April, 1979 which reads as under:—

Quote:—

Mrs. Mrinal Gore MP had asked the following questions and Mr. Satish Aggarwal, Minister of State in the Ministry of Finance had stated:

(a) The Government had initially appointed a Group of Ministers comprising of the following to go into the recommendations of the Boothalingam Study Group Report and make their recommendations:—

(i) Finance Minister,

(ii) Industry Minister,

(iii) Labour Minister,

(iv) Minister of Petroleum, Chemicals and Fertilizers.

The Group of Ministers at present comprising of Dy. Prime Minister, (2) Minister of Petroleum, Chemicals and Fertilizers, (3) Minister of Industry, (4) Minister of Home Affairs, (5) Minister of Parliamentary Affairs and Labour.

(b) The recommendations of the Boothalingam Study Group including the recommendations regarding minimum pension are still under the consideration of the Group of Ministers and no decision has yet been taken. The report had raised certain basic issues of Policy and it is difficult to say at this stage when it would be possible for the Group of Minister to finalise the recommendations.

Except the serving/retired Government servants who have grown too old and aged, the Union Government have been able to fix the minimum pension of Rs. 250 to Rs. 300 p.m. with very little service of 5 years, even in the case of musicians, Rajya Sabha "appointed" M.Ps. they too have been granted a minimum pensions of Rs. 250 to Rs. 500 p.m. but Pensioners of States and Union Government are still getting very small pensions even after services of over 20 years.

Some frustrated Pensioners in Bihar, Punjab and Delhi have gone to the Supreme/High Courts to get these disparities in Pensions removed, but the Union Government has taken no action on the above mentioned promise

made on the floor of the House perhaps because the previous Government has been changed.

We appeal to you to kindly get a Pension Commission appointed, if the above Committee of five Ministers cannot do justice to the pensioners many of whom have died waiting for the Government's action.

Pensioners Ministry

In 1971 the Cabinet Secretariat had agreed to create Pensioners Ministry in the Union Government but that decision has been forgotten and misled.

There are over 4 dozen Ministries at the Centre and several Ministries in the State Government but there is not a single Ministry for Government Pensioners whose number is daily increasing and their problems are distributed to various Ministries at the Centre and the State Government.

By creating one Pensioners Ministry after collecting separated staff from various Ministries, it will help the Union/State Government Pensioners in India whose problems are daily mounting due to the daily increase in grant of pensions to various categories of Government employees and servants.

We appeal to you, Sir, that the Cabinet Minister be persuaded to seek the approval of the Prime Minister to create one Pensioners Ministry at the Centre and the States.

Joint Services Machinery

The Union Government had appointed One Joint Services Consultative Machinery under the Chairmanship of the Union Cabinet Secretary where there are over 40 members but not a single pensioner is included in them.

If and when some consultations are made about the sufferings of the serving employees, no efforts is ever made to bring a couple of Pensioners also to hear their problems.

Requests made to Mr. S. Mukherjee, I.A.S. in September 1978 or to Mr. S. S. Grewal I.A.S. Cabinet Secretary on 1-4-1980 have brought us no replies. Our appeal and reminders are never answered.

We appeal to you kindly allow 5 heads of pensioners to join the J.C.M. as and when the Cabinet Ministry calls the meeting of the J.C.M. We do not want to create any extra expenses but we may be given the representation."

4.4 The Committee note the position stated by Ministries of Finance (Department of Expenditure), Home Affairs (Department

of Personnel and Administrative Reforms) and Works and Housing in their action taken replies on the recommendations contained in their Ninth Report (6 LS) in the matter.

In case of recommendation in para 2.50 of the Ninth Report (6 LS) regarding restoration of commuted portion of pension of the Central Government pensioners, the Committee are not satisfied with the position stated by the Ministry of Finance (Deparment of Expenditure) in the matter. The Committee reiterate their recommendation that commuted portion of pension be restored to those pensioners who have outlived their commutation period.

In case of recommendation regarding pensioners' representative on JCM, the Committee note that in view of terms of reference of National Council of JCM, Government do not consider it necessary to include pensioners' representative on JCM. However, the Government propose to include the grievances and problems of pensioners in the scope of proposed administrative tribunals.

V

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATION OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR THIRD REPORT (SEVENTH LOK SABHA) ON THE REPRESENTATION REGARDING DEMANDS OF THE MINISTERIAL STAFF OF INDIAN RAILWAYS.

5.1 In their Third Report (7 LS) presented to Lok Sabha on the 2nd April, 1981, the Committee considered a representation regarding demands of the Ministerial Staff of Indian Railways and the factual comments furnished by the Ministry of Railways (Railway Board) and made the following recommendations:—

"From the factual note which had been called from the Ministry of Railways in respect of each of the demands of the Ministerial Staff of Indian Railways, the Committee find that each of the demands has been duly considered by the Ministry and action at various stages is pending in respect of most of the demands. The Committee have noted that Ministry of Railways are not able to take final decision in respect of these demands as the issues raised are such as would have wider repercussions on other categories of the Government employees in other Ministries. The Committee also note that in some of the cases the demands are already under consideration of the Joint Consultative Machinery. Under the circumstances, the Committee feel that as most of the demands are mainly in the nature of staff matters which could more appropriately be considered by a pay body, there is no case for intervention by the Committee on the demands made in the representations.

However, in regard to demand for 15 per cent upgradation, the Committee feel that there is a case for favourable consideration of the demand for 15 per cent upgradation to all Ministerial cadres without any discrimination. The Committee would like that an early and favourable decision in the matter is taken by the Ministry.

In regard to demand for withdrawal of penal measures imposed against trade union leaders and workers for trade union activities, the Committee note from the reply by the

Ministry of Railways (Railway Board) that nobody is punished for legitimate trade union activities. Four cases—one of which relating to murder and other three relating to violence and damage to Railway property involving 69 Railway employees out of 92 employees of Jhansi Division—were filed by the State Government of U.P. The Ministry of Home Affairs have already requested the U.P. State Government to expedite finalisation of these cases as early as possible.

The Committee trust that cases of remaining 23 railway employees whose details have not been given in their factual comments to the Committee, would be disposed of finally if not already done so.

[Para 3.5, pp. 16-17, Third Report (7 LS)]

5.2 The Ministry of Railways (Railway Board) with whom the above recommendations of the Committee were taken up, have in their communication dated the 2nd July, 1981, stated as follows:—

"Necessary instructions with regard to the demand for upgradation in all ministerial cadres without any discrimination have since been issued *vide* this Ministry's letter No. PC|III|81|UPG|7, dated 18-6-81 (See Appendix III).

So far as the observations of the Committee with regard to the withdrawal of penal measures imposed against the trade union leaders are concerned, it may be stated that the Central Railway has now confirmed that there were only 78 Railway employees against whom cases were pending in the Courts of Law and not 92 as 14 persons out of these 92 were outsiders. Out of 78 cases, 5 cases were such whose whereabouts were not known or who were employed as casual employees. In other words, the Railway Administration has to take action against 73 employees only. These 73 employees are involved in 4 Court cases and further action would be taken only on receipt of Court's decision. Incidentally, in one case the Second Addl. Sessions Judge, Jhansi has acquitted the 14 employees accused of the offences. The decision in the rest of the 3 cases is awaited."

5.3 The Committee note from the action taken reply furnished by the Ministry of Railways (Railway Board) that the demand for

upgradation in all Ministerial cadres without any discrimination has been accepted by the Government. As regards the question of withdrawing criminal proceedings against trade union leaders pending in Courts, the Committee note that the cases are still pending in the Courts of Law. As such the Committee feel that no intervention is called for on their part in the matter.

VI

ACTION TAKEN BY GOVERNMENT ON THE OBSERVATION OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR THIRD REPORT (7LS) REGARDING SUITABLE MACHINERY FOR PERIODICAL REVIEW TO ENSURE EXPEDITIOUS DISPOSAL OF CLAIM CASES BY THE RAILWAYS

6.1 In their Third Report (7LS), presented to Lok Sabha on the 2nd April, 1981, the Committee on Petitions, after considering the action taken reply of the Government on the recommendation of the Committee on Petitions contained in their Fourth Report (6 LS) on the representation regarding settlement of claim of a consignment of G. N. Seeds booked ex. Chandausi to Latur, had observed as follows:—

> "The Committee note the position stated by the Ministry of Railways (Railway Board) in their action taken reply on the recommendations contained in their Fourth Report (Sixth Lok Sabha) on the matter. The Committee note from the Ministry's reply stating that setting up of Claims Tribunals on the pattern of Income-tax Tribunals was not favoured for various reasons. The Committee are, however, of the opinion that there is need to set up a suitable machinery within the Department for periodical review to ensure expeditious disposal of the claim cases.".
>
> [Para 7.3, page 32, 3rd Report (7LS)]

6.2 The Ministry of Railways (Railway Board), with whom the matter was taken up, have in their communication dated the 28th April, 1981, stated as follows:—

> "On the basis of recommendation made by the Estimates Committee, it has already been decided by the Ministry of Railways to set up Claims Tribunals with a view to ensuring expeditious and inexpensive method of settlement of compensation claims arising out of loss, destruction, damage, deterioration or non-delivery of booked consignments. A high level Committee is already working out the modalities for setting up Claims Tribunals.
>
> Suitable instructions have been issued to the Zonal Railways stressing upon the imperative need for expeditious settlement of compensation claims and also for streamlining and

simplification of the machinery to settle loss and damage claims. These instructions have been reiterated to the Zonal Railways from time to time to ensure their compliance.

Special drives are also launched by the Railways from time to time to ensure correct and expeditious disposal of claims."

6.3. The Committee note the position stated by the Ministry of Railways (Railway Board) in their action taken reply on the recommendation contained in their Third Report in the matter.

VII

OTHER REPRESENTATIONS

7.1 During the period under report, the Committee have considered twelve other representations and letters (*See* Appendix IV) addressed to the House, the Speaker or the Committee by different individuals which were inadmissible as petitions.

7.2 The Committee note with satisfaction that through their intervention, petitioners have either been provided partial or complete relief or the Ministries/Departments concerned have adequately explaind the position factual, legal or otherwise in respect of those representations.

NEW DELHI;
22nd December, 1981.
Pausa 1, 1903 (*Saka*)

R. L. BHATIA,
Chairman,
Committee on Petitions.

APPENDIX I

(*See* para 2.2 of the Report)

[Representation re. grievances and demands of workers of Departmental and cooperative canteens in Government offices]

Canteen Mazdoor Sabha (Regd.)

President—Shri Yuvraj Ex. M.P.

Office:
New Delhi-110001.
Dated 25-3-1980.

Memorandum from Canteen Mazdoor Sabha

Respected Shri Bal Ram Ji,

Speaker,

Lok Sabha,

New Delhi.

Sir,

The delegation of the Canteen Mazdoor Sabha is submitting a few demands for your kind consideration. These are legitimate demands to improve the pitiable condition of the employees working in departmental and cooperative canteens. We have presented our demands to the Home Minister as the various canteens are run under their guidelines. On 1-10-1979 Government of India accepted that these canteen employees were their employees, but till today the respective pay scales and other amenities have not been given to them. The reason for this dual policy if the Government is not known. Our demands are as under:—

(1) Various canteens being run in different offices departmentally and on cooperative basis should be taken over by the Government of India and a Corporation should be set up to run these canteens.

(2) Pay-scales of all the employees working in these canteens should be fixed as per the norms given in the resolution and all the amenities as are admissible to the Central Government employees should be made available to the canteen employees also.

(3) Various other facilities available to the Government employees should also be provided to the canteen employees.

(4) The Canteen Mazdoor Sabha demand that a sub-Committee should be set up to ensure that the canteens are run pro-

perly and various items are made available to the Government employees at reasonable prices. The proposed Sub-Committee should consist of the representatives of the Government Department as well as the Canteen employees in order to ensure uniformity in prices, cordial relations between the workers and the management.

The Canteen Mazdoor Sabha have suggested the following names for the constitution of the Committee:—

(1) Shri Chandra Kant Jha, General Manager, C.P.W.D. Canteen, Nirman Bhawan.

(2) Shri P. N. Sharma, Manager, Planning Commission Canteen, Yojna Bhawan.

(3) Shri Yogesh Sharma, Manager, D.G.H.S. Canteen.

(4) Shri R. K. Das, Manager, Labour Canteen, Transport Bhawan.

(5) Shri K. C. Kapila, Manager, Patel Bhawan Canteen.

(6) Shri Surendra Parsad Khugsal, Asstt. Manager Works and Housing Canteen.

(7) Shri Ishwar Das, Halwai, N.C.E.R.T. Canteen.

Sir, in view of the fact that a lot of time is taken by the Government machinery in solving our problems, we are presenting this Memorandum to you so that the officers concerned may take quick decision and implement it without further delay.

We trust that you will give necessary instructions to the Government to meet our legitimate demands at an early date.

With regards,

Yours faithfully,
Sd/-
Chandra Kant Jha,
Working President,
Canteen Mazdoor Sabha,
233/1, Prakash Mohalla,
Garhi, Lajpat Nagar,
New Delhi.

Copy of resolutions passed enclosed (*See* Annexure I to IV)

Enclosure I to Appendix I

Resolution No. 1 adopted by the Canteen Mazdoor Sabha.

Government should take over the canteens and a Corporation be set up.

The Canteen Mazdoor Sabha demands that all the canteens being run in the different offices whether run departmentally or on co-operative basis should be taken over by the Government of India. It is the responsibility of the Government of India to run these canteens in the offices as the Second Pay Commission in their report made it obligatory to give these amenities to the employees of public undertakings. Government of India puts pressure on the private organisations and industries to provide these amenities but tries to evade their own responsibility. We protest against this dual policy.

Therefore, we demand that the departmentally run and cooperative canteens in all Departments should be taken over by the Government of India. Canteen facilities may be provided in those Departments where it is not available as this is also a part of the welfare which no one can be deprived of.

This would ensure security of service to the canteen employees and provide more job opportunities.

Yours faithfully,

Sd/—

Chandra Kant Jha,
233/1, Prakash Mohalla, Garhi
Lajpat Nagar,
New Delhi-110024.

Enclosure II to Appendix I

Resolution No. 2 adopted by the Canteen Mazdoor Sabha
Pay scales and facilities

After a prolonged struggle, the canteen employees were ultimately accepted as Government employees. But mere issue of notification did not end the problems of the canteen employees. The Government perhaps think that the canteen employees would be contended with these words. In spite of having become Government employees, the canteen workers have not been given the facilities which a Government servant gets. The Dearness Allowance is not being given at Central Government rates. Moreover, the CCA, Education Allowance, House Rent Allowance etc. have also been withheld. The CGHS facilities have also not been extended to them. There is no move for giving the grade. On the one hand, the Government is giving 70 per cent D.A. to its employees and on the other, the canteen employees are being given a meagre amount of Rs. 60/- on the name of D.A. in spite of their having been recognised as Government employees. Why this dual policy?

The Canteen Mazdoor Sabha opposes this dual policy of the Government. We felt confident that after recognising us as Government employees, the Government would extend to us all the facilities admissible to a Government servant without asking for. However, six months have passed after the issue of notification, the question of extension of such facilities is still undecided. We, therefore, strongly demand that the pay scales given to Government employees be extended to us alongwith other facilities without any delay.

Pay scales

1. Sweeper	Rs. 196—232
2. Wash Boy .	
3. Bearer .	Rs. 196-3-220-EB-3-232.
4. Coffee/Tea Maker	
5 Assistant Halwai .	Rs. 260-400
6. Cook . .	
7. Clerk/Salesman .	Rs. 260-6-290-EB-6-326-8-366-EB-8-390-10-400.

8. Halwai	Rs. 330-560 Rs. 330-10-380-EB-10-500-EB-15-560.
9. Cashier	
10. Store-Keeper	
11. Asstt. Manager-cum-Store-Keeper .	
12. Manager ('C' Type)	
13. Manager (B' Type) . .	Rs. 425-700 Rs. 425-15-500-EB-15-560-20-700.
14. Accountant	
15 Deputy General Manager .	
16. Manager . . .	
17. General Manager . .	Rs. 550-750 Rs. 550-20-650-25-750.
18. Internal Auditor . .	Rs. 125/-

After accepting the above pay scales as the basis, the canteen employees should be given all benefits of their long service according to their pay so admissible. The policy adopted on 1st October, 1979 for fixation of pay can also be accepted.

Sd/-
Chandra Kant Jha,
Working President,
Canteen Mazdoor Sabha.

Enclosure II to Appendix I

Resolution No. 3 adopted by the Canteen Mazdoor Sabha

Benefits which we want

The Canteen Mazdoor Sabha demands from the Government of India that they should extend the following facilities to canteen employees immediately:—

1. Dearness Allowance .	. The Government of India should give us Dearness Allowance at Central rates as in the case of Central Government employees.
2. C.C.A. .	. The Government of India should give us City Compensatory Allowance at the same rate that is applicable to Central Government employees.
3. Residential accommodation/House Rent Allowance.	The Government of India should give us facilities for Government accommodation like other Government employees.
4. Leave	We should also be given leave (Earned Leave and Casual Leave) like other Government employees.
5. Leave Travel Concession . . .	We should also be given these facilities like other Government employees.
6. Loans and advances	We should also get these facilities like other Government employees.
7. Education facilities	Like Central Government employees we should also by given these facilities.
8. Health facilities	Like Central Government employees, these facilities should be made available to us also.
9. Retirement Benefits	Benefits of pension, gratuity, Commutation, encashment of leave should be given to us also.

Sd/-

Chandra kant Jha,
Working President,
Canteen Mazdoor Sabha.

Enclosure IV to Appendix I

Resolution No. 4 adopted by Canteen Mazdoor Sabha Sub-Committee for runninng the Canteen

The Canteen Mazdoor Sabha demands that the Director (Canteen) should direct his office to bring in uniformity in the saleable items in different canteens. This right has already been given to the Director *vide* Circular No. F-7/1/62-WII, dated 28-12-62. But the Director (Canteen) has not so far given any definite guide lines to the canteens. In the name of welfare the Government employees of the different offices have obtained the desired facilities but the employees working in the canteens have been neglected. They are being exploited. A number of facilities which are essential to be provided to the canteen workers have been withdrawn. Examples of withdrawing facilities once provided under the labour laws are rare. The situation today is that inspite of increase in prices of commodities in the market, the rates in the canteens are very old ones and the different canteens are selling the same commodity at different rates. Due to increase in general prices and not allowing the canteens to increase their prices, the canteens are running in loss. They are even unable to disburse the full salaries of their employees. The Managing Committee is afraid to take the decision for increasing the prices. A situation has developed when the canteens may be forced to close down. To conceal this fact, the Canteen Managements are conspirng to close the canteens by making false allegation of theft, indiscipline etc. against the employees. In fact, a number of canteens have been closed down and many employees have been shunted out of service.

We got the status of Government servants, but became an eyesour of Government departments, employees and officers. Whatever security of service was there, it is being snatched step by step. It leads to a feeling of lack of confidence among the working employees, and such atmosphere is being developed as in leading towards bad relationship between the Management and the canteen workers. Labour Conflicts are on the increase and a disturbed atmosphere is prevailing.

To have a check on such problems, it is essential for the Director (Canteen) to stop it. A decision should be taken to sell the canteen goods on a uniform rate so that the canteens may not be forced to a closedown and confidence may be created among the employees.

In view of this terrible situation, this Sabha urges the Director (Canteen) to bring in uniformity in these canteens. Besides, we propose constitution of a sub-Committee so that the canteens are run and managed in a systematic way. We hope that our hand of cooperation will not be brusted aside.

Names of the members of the proposed sub-Committee:—

1. Shri Chandra Kant Jha, General Manager, CPWD Canteen, Nirman Bhawan.
2. Shri P. N. Sharma, Manager, Planning Commission Canteen, Yojna Bhavan.
3. Shri R. K. Das, Manager, Labour Canteen, Transport Bhavan.
4. Shri Yogesh Sharma, Manager, D.G.H.S. Canteen, Nirman Bhavan.
5. Shri Ishwar Das Halwai, NCERT Canteen.
6. Shri Surendra Prasad Khugsal, Assistant Manager, Works and Housing Canteen.
7. Shri K. C. Kapila, Manager, Patel Bhavan Canteen.

Our motto is to run the canteen systematically and provide commodities to the Government servants on cheaper rates. We have therefore, stepped forward to extend our cooperation. We hope that the Government would accept our cooperation for creating a proper atmosphere.

Chandra Kant Jha,
Working President, Canteen Mazdoor Sabha.

APPENDIX II

(*See* para 4.2 of the Report)

[Cost of making Pay Commission's recommendations regarding retiring pension and gratuity to all existing pensioners on 1-1-1973]

No. of pensioners on 1-1-1973 . . . . . =8,60,000
of which { Civil . . . . . =1,94,790
Defence . . . . . =6,65,210

(A) Pay Commission's estimate of cost of these benefits to 38400 civilian employees estimated to retire in 1973-74.=Rs. 11·80 crores

Cost for existing Civil pensioners $= \frac{11 \cdot 80 \times 194790}{38400}$. =Rs. 59·86 crores

Add 10 % for Union Territories Pensions . =Rs. 5·99 crores

Rs. 65·85 crores

(B) Pay Commission's estimate of cost of these benefits to 18000 Defence employees estimated to retire in 1973-74 . . . . . =Rs. 2·08 crores

No. of Defence Pensioners on 1-1-1973 . . =665210

Cost for Defence Pensioners on 1-1-1973 . $= \frac{2.08 \times 664210}{18000}$

=Rs. 76·87 crores

(C) Total Cost .=65·85+76·87 Rs. 142·72 crores.

The additional cost of giving, to all pensioners as on 1-1-1973, the benefit of Third Pay Commission's recommendations relating to retiring pension and gratuity will thus be Rs. 142.72 (Rs. 65.85+Rs. 76.87 crores) crores for one year. In addition, there will be recurring expenditure on account of the pensions of all those pensioners.

Assumptions

(1) Break-up between Civil and Defence Pensioners as on 1-1-73 has been worked out on the same ratio as for 1-1-76 when out of 8.83 lakhs pensioners, 6.83 lakhs were Defence pensioners and the rest were Civil pensioners.

(2) In Chapter 67 of their report, the Third Pay Commission have given the immediate cost for a year in respect of their recommenda-

tions regarding retiring pension and gratuity. The amount of Rs. 11.80 crores was estimated for anticipated retirements of civilian employees in 1973-74. This number has been placed at 38,400 after allowing for a 20 per cent increase over the 1972-73 figure of 32,000 mentioned in para 9 and 10 of Chapter 60 of their Report.

(3) The Pay Commission estimated the cost of these benefits for the retiring Defence personnel, at Rs. 2.08 crores, this is related to an estimated 18,000 retirements.

APPENDIX III

(*See* para 5.2 of the Report)

[Instructions dated 18th June, 1981 issued by the Ministry of Railways (Railway Board) re. restructuring of cadre of Ministerial staff of Deptt. other than personnel].

GOVT. OF INDIA

MINISTRY OF RAILWAYS

RAILWAY BOARD

No. PCIII/81/UPG/7 New Delhi, dated 18-6-1981

The General Managers,

All Indian Railways,

CLW, DLW, ICF, MTP (Railways) Calcutta,

Wheel & Axle Project, Bangalore.

(As per standard mailing list pt. I)

SUBJECT.—*Restructuring of the Cadre of Ministerial Staff of Departments other than Personnel.*

The Ministry of Railways have had under consideration the question of restructuring of the Ministerial Cadre of Non-accounts Departments other than Personnel in the wake of upgradations done in the case of Personnel Department *vide* their letter No. PCIII/80/UPG/21 dated 10th November, 1980. As a result of agreement reached with the staff side in the Departmental Council (JCM), it has now been decided as under:—

(i) There shall be direct recruitment of graduates to posts of Senior Clerks in scale Rs. 330—560 to the extent of 20 per cent of the total strength. The direct recruitment will be made through the Railway Service Commission.

(ii) 13-1/3 per cent of the total posts of Senior Clerks in scale Rs. 330—560 will be filled from amongst the Graduate Clerks already serving in the lower Grades after allowing them the age relaxation already in force. These vacancies will be filled up by a competitive examination to be held by the Railway Service Commission. In the event of Graduate Clerks not being available from amongst the

serving employees to fill this quota, the residual vacancies will be filled up by direct recruitment through the Railway Service Commission over and above the 20 per cent quota referred to in (i) above.

(iii) Consequent upon induction of direct recruitment of Graduates at the level of Senior Clerks, the gradewise percentage distribution of posts in the Ministerial Cadre will now be as under:—

Category	Scale of pay (Rs.)	Percentage
Office Supdt.	700 - 900	2·5%
Chief Clerk	550 - 750	7·0%
Head Clerk	425 - 700	13·0%
Senior Clerk	330 - 560	57·5%
Clerk	260 - 400	20·0%

2. These orders will take effect from 1st October, 1980 but no arrears shall be payable on this account. The pay of an employee appointed to the upgraded post may be fixed proforma from 1st October, 1980 but the actual payment of emoluments in the higher post should be allowed only from the date he takes over charge of the upgraded post. This has the sanction of the President.

3. All vacancies of Senior Clerks (Rs. 330—560) existing as on 30th September, 1980 should be filled up in accordance with the orders in force prior to the issue of this letter. All vacancies arising on or after 1st October, 1980 shall be filled in accordance with the proportion prescribed herein.

4. The staff of the Personnel Department will be governed by instructions contained in this Ministry's letter No. PCIII/80/UPG/21 dated 10th November, 1980 except that the level of direct recruitment in scale Rs. 330—560. In Personnel Department also will be 33-1/3 per cent, and will be regulated in accordance with Para 1(i) and(ii) above.

5. This has the sanction of the President.

Sd/-
Jt. Director, Establishment,
Railway Board.

APPENDIX IV

(*See* para 7·1 of the Report)

OTHER REPRESENTATIONS

[Other representations on which the Committee's intervention has procured expeditious, partial or complete relief to petitioners or the Ministries/Departments concerned have explained the position satisfactorily.]

S. No.	Name and Address of Petitioners	Brief subject and points raised	Facts persued by the Committee
1	2	3	4
1.	Shri Daryanomal Satramdas, Shop No. 55, Patan, District Mehsana. In his representation, the petitioner stated as follows :— "(1) I filed C.A.F. From Patan, Mehsana. (2) The Regional Settlement Commissioner, Bombay informed me under his letter No. RSC (B)/ASO (Disb)/85055 dated 17-12-80 that there is to my credit Rs. 4233·00, as compensation amount for my buildings claims. (3) So far I have not received that compensation amount of Rs. 4233 00.	Finalisation of C.A.F. No. B/PM/183	*Ministry of Supply and Rehabilitation Department of Rehabilitation*). In their replies dated 16-7-81 and 14-10-81. the Department of Rehabilitation have stated as follows :— "Notice has since been sent to the claimant to receive the payment from the Settlement Organisation on 23-7-81." "The claimant Shri Daryanomal Satramdas was paid compensation on 23-7-81 as per details given below :—

1	2	3	4
	(4) I am also not paid compensation for my agriculture land claim assessed for SA 126-14.1/4 units. (5) Since 1960 I have been corresponding for payment of compensation amount to me. for buildings and land claim but absolutely no reply is vouchsafed by the settlement authorities. (6) I request you to arrange early payment of compensation amount to me."		(1) Through D.D.No. F. 567853 dated 9-6-81 Rs. 4230/- (National Saving Certificates). (2) Through D.D. No. F. 304411, dated 9-6-81 for Rs. 5·00 (Cash). The matter may now be treated as finally settled."
2.	Shri Behari Lal Gandhi, Retd. Income-tax Inspector, 5H/53, N.I.T., Faridabad. In his representation dated 30-4-1980, Shri B. L. Gandhi stated *inter alia* as follows : "While working as Assistant Settlement Officer at Jullundur, in the Deptt. of Rehabilitation, Govt. of India, I was declared surplus and my services were placed at the disposal of the Home Ministry on 1-4-1970. for posting elsewhere *vide* their Gazette Notification No. 8/66/AGZ/66 dated 4-7-70. The Home Ministry transferred me to the office of Commissioner, Income Tax, Kanpur for posting as Inspector, Income Tax, unconditionally *vide* their No 4/19/70-CS-III, dated 23-7-70 and allowed me pay etc in the same pay scale hitherto being drawn by me *vide* their Gazette Notification No. 4/19/70-CS III, dated 18-9-70. I joined at Kanpur on 4 8-1970 and was retired on 5-5-1972 from the Income Tax, Office, Aligarh (then under the charge of CIT, Kanpur and now under CIT, Agra).	Sanction of pension.	*Ministry of Finance (Department of Revenue) Central Board of Direct Taxes.* In their reply dated 9-3-1981, the Ministry have stated as follows :— "Late Shri B. L. Gandhi in his representation dated 30-4-1980 submitted to the Petition Committee (Lok Sabha) complained about his non-confirmation and thereby non-payment of pension despite his having put in about 24 years service in the Department of Rehabilitation and the Income-tax Department. The factual position was explained, in brief, to the Lok Sabha Sectt., *vide* this Department Office Memorandum No. A 38015/19/80-Ad, IX dated 29-9-1980, (*See* Annexure I) .

After my retirement, neither the Deptt. of Rehabilitation (Where I served from 11-1-1948 to 31-3-1970) nor the Income tax Deptt. sanctioned me pension. The Deptt. of Rehabilitation informed that as I was transferred to the Income-Tax Deptt. the said Deptt. would pay my dues of gratuity and pension. The Income Tax Deptt., first prepared my pension papers and asked for joint photographs of myself and my wife, which I sent in 1972-73. But they paid me partial gratuity only recently which I received under protest, told me as I was not confirmed, the pension could not be sanctioned to me and directed me to approach the parent department for confirmation being quassi-Permanent UDC there, as they were unable to confirm me from related date. When the Deptt. of Rehabilitation approached again, they also regretted to accede to my request. Thus my 24 years continous Central Govt. services have been blown to winds without any fault of mine.

In view of the fact that the services rendered by me in my parent department also stands transferred to them for all purposes *viz.* seniority, confirmation, payment of gratuity and pension etc. as per rules and the ruling of the Hon'ble Supreme Gourt in 1972 regarding seniority fixation of those officials appointed before 20-12-1959, and admitted in principal by the CBDT *vide* their circular letter No. III/33/70-AD, IX dated 6-7-1971, and also after payment of partial gratuity to me recently by the Income Tax Deptt. The responsibility for payment of pension also lies on the Income Tax Deptt., as already accepted by them in the case of my collegues transfered to the Income Tax Deptt. on their becoming surplus in the Deptt. of Rehabilitation and

As promised in the aforesaid Office Memorandum Late Shri Gandhi has already been declared confirmed out of turn so as to make him/his family entitled to pensionary benefits and save them from confrontation with hardship in future. The Commissioner of Income-tax, Kanpur, has already initiated necessary action in this regard, and a copy of his order No. 132 (F.N.45-115/4895) dated 9-2-1981 is at Annexure II.

1	2	3	4
	retired there, were confirmed and sanctioned pension by the Income Tax Department on the basis of their seniority from the date of their appointment and not from the date of their transfer to the said department. I am the only unfortunate person who has been denied the pension, despite above facts and running from pillar to posts, reasons best known to them. Since grave injustice has been done to me, I earnestly appeal to your goodself to kindly look into my pitiable condition and help me to restore my just and legal right of pension to save me from mental as well as financial hardship being faced by me in this old age of 66 being heart patient".		

Annexure I to Item 2

Copy of Department's O.M. A-38015/19/80—Ad. IX dated 29th September, 1980 addressed to the Lok Sabha Sectt. (Committee Branch-I).

Subject: Representation from Shri Behari Lal Gandhi, Retired Income-tax Inspector regarding sanction of pension.

Lok Sabha Secretariat may kindly refer to their u.o. No. 53/CI/80/R-12 dated the 24th May, 1980 on the above subject, and to say that Shri Behari Lal Gandhi came over to Income-tax Department as Inspector of Income-tax in July, 1970 after having been declared surplus in the Department of Rehabilitation. He was not holding any permanent post in the Department of Rehabilitation. He retired from service in May, 1972 after putting in less than two years of service in Income-tax Department. He was not confirmed in this Department since he was quite junior in this Department. As he was not confirmed either in this Department or in the Department of Rehabilitation, he was not entitled to any pension under the Rules, and no pension was thus granted to him. He was only entitled to terminal gratuity and he has stated that he received the gratuity amount under protest. The question of antedating the conversion of a permanent post in 1970 was considered by the Department of Rehabilitation to cover his case for confirmation in that Department but the proposal for the same could not be accepted by the Ministry of Finance and the Department of Personnel and Administrative Reforms (then Home Affairs). The possibility of confirming him out of turn in Income-tax Department is being explored in consultation with the Commissioner of Income-tax concerned. A further report will be sent after this aspect of the matter is decided.

Sd/—Rama Kant

Under Secretary to the Govt. of India.

Annexure II to Item 2

Government of India Office of the Commissioner of Income-tax, Kanpur.

ORDER

Dt. 9-2-1981

Establishment—Central Services—Group 'C' Inspectors—Conformation of—

No. 132. As approved by the Board *vide* their letter No. A-31023/1/80-Ad.-VII dated the 16th January, 1981, late Shri Behari Lal Gandhi, retired Inspector of Income-tax, Income-tax Office, Aligarh is hereby confirmed as such in the then time scale of Rs. 350-23-575 *w.e.f.* 4-5-72.

Sd/—B. Gupta,
Commissioner of Income-tax
(Cadre Control Authority, Kanpur)

F. No. 45-115/4895.

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3	M/s W.G. Forge & Allied Industries Ltd , P.B. No. 41, Majiwade, Thanas In his representation dt. 12-6-1980, the petitioner stated *inter alia* as follows : In the years of 1969 and 1970 Mysore Iron and Steel Limited owned by Government of Karnataka despatched several consignments of special Steel Billets from Bhadrawati for its delivery to Thana. In respect of all the consignments following are the common facts :— (i) The Consignments were booked at Railway Risk Rate. (ii) The weight in respect of each consignment was witnessed by railway staff at the time of its despatch from Bhadravati. (iii) All the consignments were transhipped at transhipment point of horbur by Railway and no shortage said to have been reported at that time. (iv) Average piece use to be of about 100 kg. and 20 feet long and therefore the same cannot be lifted by one single person. When the transhipped wagons arrived at Thana, many pieces were found short. In some of the cases, the shortage was 3 to 5 Metric Tonnes as a result of shortage of 30 to 40 pieces. The Senior Railway Inspector loaded the consignments in the lorries and weighed the same.	Non-payment of 24 compensation claims in respects of consignments booked in 1969 and 1970 by Central Railway Administration	**Ministry of Railways (Railway Board).** In their replies dated 28-10-1980 and 13-8-1981, the Ministry of Railways (Railway Board) stated as follows :— "The matter had been examined in consultation with Central Railway Administration. The position is explained below :— The complainant had filed 24 suits against Union of India on account of recovery of compensatior due to alleged partial shortage noticed from these consignments in Thane Court. All these suits were identical on facts and nature of discrepancy. Out of these 24 suits 3 suits were selected by consent of both the parties for being taken up to contest if full measure after making an application to the court to stay proceedings in the remaining 21 suits to which the trial court granted the permission. The trial court passed decree in these 3 suits holding Railway liable for the alleged shortages. Aggrieved by this decision railway administration filed 3 appeals against the judgement and the decree of the trial court in the High Court of Judicature at Bombay. However, the High Court had too upheld the decisions of the trial court holding railway liable for the alleged partial shortage and dismissed these appeals. A decision has been taken to immediately satisfy these 3 decrees in view of the observations of the Bombay High Court and payments are also being arranged.

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	Thereafter said Senior Inspector issued shortage certificates in the matter of 31 consignments. Out of 31 consignment, claims in respect of 7 consignments have been settled by the Central Railway Administration.		
	The loss was recorded at destination station and shortage certificates were issued by railway and thereafter claims were preferred against the railway.		
	** ** **		
	However, in June and July, 1972, all the claims were rejected on the ground of packing condition and loading not supervised by Railway. Letters of protest dated 12th July, 1972 were sent by the advocate but the same were not replied.		
	Ultimately there was no other alternative but to file the suits, 24 suits were filed in the Court of Thana. The matters came up for trial. At that time Learned Judge observed that all the suits are of similar type. There should be trial of only one suit and the decision of that suit should be followed in other suits. However, the Railway Administration requested for the trial of three suits. As such three suits were tried. All the three suits were decreed. The main defence taken by the Railway Administration was of packing condition and loading not supervised by the Railway Administration.		
	The Railway filed appeals in the High Court in all the three suits. Remaining matters were kept pending as the same were to be final		The application made by both the parties for pendency of 21 suits does not bind the railway administration to settle these 21 suits as made out by the complainant M/s. W.G. Forge and Allied Industries Ltd., the plantiffs in these suits. The present cases involve interpretation and effect of Sections 73. and 78 of the Railway Act and Rules No. 115 and 120 of the Goods Tariff and therefore and important question of law arises.
			However, steps are also being taken to strike a deal of compromised in the remaining 21 pending suits out of court on attractive terms.
			Final outcome of the cases will be advised in due course.
			"Payments in regard to the 3 suits decided by the Court were made in October, 1980. In regard to the remaining 21 claims, the Central Railway has already arranged payment in all except one suit which is pending for the receipt of sender's original beejuck from the plantiff. Necessary action will be taken by the Central Railway to arrange payment in this case on hearing from the plantiff."

lised by settling the same in case of railway losing the appeal or in case of railway succeeding in appeal, the plaintiffs were to withdraw the remaining suits.

All the three appeals were heard. The appeals were argued by the Senior most Counsel of Railway. All the three appeals were dismissed. Two judges of the High Court had observed that Railway Administration is fully liable in respect of losses.

The appeals were dismissed on 21-2-1978. Till this date railway had not made the payment in respect of those three appeals. Railway had not settled the Remaining 21 matters and not made any payment.

* * * * * *

In the circumstances, the petitioners request the Committee, to examine the petition and be pleased to order the Central Railway Administrationas under :—

(a) The Central Railway has lost three appeals Nos. 111/1977, 112/1977 and 113/1977 filed by Railway in the High Court Bombay and therefore, should arrange payment of decreetal amount with cost and interest as awarded by the Trial Court, Thana;

(b) The Central Railway Administration shouldsubmit explanation for delay in satisfaction of the decreetal amount till date; and

(c) The Central Railways Administration be ordered to settle the remaining 21 suistfiled at Thana as per moral agreement in Thana Court.

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	Ministry of Communications		
4.	Shri Jiwan Singh, Malsisar House, Station Road, Jaipur—302006.	, Vacation of building rented out to P. & T. Office in Jaipur.	In their reply dated 28-2-1981, the Ministry of Communications have stated as follows :—
	In his representation dated 19-8-1980, the petitioner stated *inter alia* as follows :—		
	"I rented out my house Usha Huts., Hawa Sarak, Jaipur to the P. & T. Deptt. on rent for 5 years on 1-11-1968. Accordingly, a lease deed for 5 years was filled up. In this building the department housed the office of S.D.O. (T) (Sub-Divisional Telephone Office), Jaipur now under G.M.T., Jaipur.		"The building of Shri Jiwan Sir gh was taken cr rer t on 2nd December, 1968 and a lease agreement for a period of 5 years was signed with the landlord. Some time in January, 1972, the landlord approached the PMG, Jaipur for vacation of his building, however, this request was not acceded to in view of the lease agreement which was to expire on 1-12-1973. Again in January, 1974 Shri Jiwan Singh even offered the remaining portion of the building on a rental of Rs. 3500- per month including the existing portions. The offer was not accepted because there w as a dispute regarding the open land and the issue remained under correspondence till July 1973. Further, in February, 1976. the landlord again offered his second building for the office of SDO (T), Jaipur in a different locality in exchange for the existinge building in occupation of SDO (T), Jaipur on the same terms and conditions and with equal area and equal rent. The offer was examined by the local authorities but was rejected in view of the unsuitability of the building. Therefore, Shri Jiwan Singh, requested for the vacation of his building. However, a notice was issued by the local authorities for rentantion of the building.
	On 1-11-1973 after a lapse of 5 years, I requested the Department to vacate my house, but the officers of the Department did not care to even acknowledge the receipt of my notice, what to speak of proper reply. I met the various high officers of the Department from time to time and requested them to vacate the house. They informed that they can retain the building for 3 years more under the re newal clause of the lease deed, but they will vacate the building on availability of some other suitable building. There promises were really very sweet, but without action.		
	The period of 5 years more of so-called renewal clause also expired on 11-11-1978. It is strange that notice was given to the undersigned for retention my building under this clause as per legal requirement.		As regards allegations of the land-lord regarding, damage to windows and doors by the employees, it has been reported that the allegations are baseless. This is an old building which requires petty maintenance and for years together the house owner has never paid his attention for its

Further I beg to submit that during this period, the G.M.T. & P.M.G. Jaipur took on rent many more buildings in the city.

* * * *

I have reported many times to the G. M. T., Jaipur, that the employees of the Department have broken the windows and doors of my building, but the G.M.T., Jaipur did not take any action to make enquiries and compensate me for the losses.

* * * *

I have no other source of income except this ancestral property. I am not in a position to arrange my daughters, marriage unless I dispose of my property which is not possible without vacant possession. Even the State Bank of India willing to purchase my property against loan taken by me from them, but without vacant possession nothing is possible. You can well imagine my pitiable condition and harassment in my old age. I have the means to settle my problems but I am unable to do so because of non-vacation of my building.

You are, therefore, requested to kindly give me time convenient to you to explain me the reasons, why G.M.T., Jaipur is not vacating my building.

My building may kindly be ordered to be vacated within a reasonable time which I leave it to you to fix.

I may be paid the compensation for the lotes caused to me."

maintenance as per lease agreement. With regard to his plea for getting vacant possession of the building with a view to dispose of the property for meeting the marriage liabilities of his daughters, it has been reported that this plea is only a fabricated reason for getting either enhancement of rent or vacant possession of the buildings. The fact is that he was having another building which has been rented recently to the Postal Wing for Stamp Depot. Further it has also been intimated that Shri Jiwan Singh is letting out his another house to others. Obviously the landlord is pressing for vacation of the building primarily with the motive of renting it out on higher rents in as much as if he had to dispose of properties for meeting the marriage liabilities of his daughter, he would not have rented out other buildings or had made offer to the Department for renting out other portion of the same building.

It has been reported that despite the position stated above, the Divisional Engineer, Telephones, Jaipur, has made all efforts to vacate the building but it could not be effected as no suitable alternative building was available. There is acute shortage of suitable accommodation in Jaipur. Irrespective of this, efforts are still being made to locate another suitable buildings and as soon as the same becomes available, the present building will be vacated.

Based on the position stated above, the hon. Minister (Communications) has also sent a reply to Shri Mohan Lal Sukhadia, M.P. "

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	Ministry of Finance (Deptt. of Economic Affairs) (Insurance Division)		
5.	Dr. R.N. Banik Ex-ADMO/N.F. Railway, P.O. Sapatgram, Distt. Goalpara (Assam)	Non-settlement of claims under Policy No. 18994 on the life of Dr. R.N. Banik.	In their replies dated the 7th January, 3rd March and 30th May, 1981, the Ministry of Finance (Deptt. of Economic Affairs) (Insurance Division) stated as follows : "Shri Rabindra Nath Banik has requested for refund of the balance amount of Rs. 958.88, deducted by LIC from his maturity claim amount of Rs. 6854 under Policy No. 18994 on his life. The LIC has reported that the claim under the above policy was settled and paid on 2-6-1972. However, at the time of payment 52 monthly premiums @ Rs. 18.44 p.m. amounting to Rs. 958.88 were deducted from the claim amount as outstanding premiums. Even before stettlement of the claim, the policyholder Shri Banik was informed by the LIC on 4-3-1972 that the amount deducted towards outstanding premiums would be refunded to him when the same would be found to have been paid. Subsequently on a representation being made by the policy holder he was requested on 25-7-1974 to submit evidence for payment of the premiums in question in the form of a recovery/certificate from his employer as the premiums were deducted from salary every month. A recovery certificate dated 8-5-1975 on a plain sheet of paper was submitted and the LIC did not find the same to be acceptable. It, therefore, again requested him to submit a fresh recovery certificate from his employer in the form indicated by it. Shri Banik has, however, not so far furnished the appropriate recovery certificate from his employer. He was reminded of the same last on 6-3-1980.
	In his representation dated 21-11-1980, Shri Banik stated that he had become absolutely helpless and undone being deprived of his outstanding maturity claim amount since, 1972. That the Railway authority certified that premium of Rs. 18.44 per month against the policy was deducted from salary bill and total recovery of premium was made from the commencement to its maturity but to no effect. Shri Banik requested for refund of the balance amount of Rs. 958.88 from the maturity claim amount of Rs. 6854, payable against his life policy No. 18994 matured on 24-2-1972.		

While this is the present position as reproted by the LIC to us, we have since asked the LIC to remind Shri Banik again for the appropriate necessary certificate and keep us informed of the developments in the matter. Lok Sabha Secretariat would be informed as soon as wehear from the LIC."

"Shri R.N. Banik was requested by LIC on 16-1-1981 to furnish the recovery certificate from his employer with specific instructions regarding the nature of certificate that may be acceptable toit· Shri Banik has so far not submitted the required certificate to LIC".

"The LIC has been contacted and it has repoted that Shri Banik has so far no submitted to it the required recovery certificate from his employer. Consequently it has not been possible for it to refund the amount deducted on account of outstanding premiums.

Ministry of Railway (Railway Board)

1. M/s. Tokarshi Lalji & Co., Kopadia Chamber, 51, Devji Ratanshi Marg, Bombay-400009. Refund of excess freight collected by Railway authorities.

In their representation dated 14-6-1980, the petitioners stated *inter alia* as follows :—

The petitioners during the course of their business sold oilcake to their buyers, M/s. Liberty Oil Mills, having Solvent Plant & Refinery of Agra Road, Ghatkopar, Bombay-86. The deal was f.o.r. Mills of buyers.

In their factual note dated 17-1-1981, the Ministry of Railways (Railway Board) have stated as follows :—

"The matter has been examined in consultation with the Central Railway Administration. The following factual comments are offered :—

The subject consignments were not booked on 19-6-1975 as mentioned by the petitioners. Correct booking

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Based on this contract, the petitioners tendered RR Nos. 970088, 89, 90, 970148, 49, 50, 51, invoice numbers 8, 9, 10, 11, 12, 13, & 14 all dated 14-6-75 ex Seram to Ghatkopar and the buyers accepted the same. The goods arrived and the buyers accepted the same on being delivered to them. The Station Master, Ghatkopar charged freight as shown in the railway receipts and the same was paid by the buyers and debitted to our Account with buyer. It is therefore evident that the petitioners paid freight for the goods consigned.

particulars including the names of consignor and consigneetuare given below :—

S. No.	Inv. No.	RR No.	Date	Consignor	M/s. Liberty Mills	Amount due as frieght Rs. P.	Amount collected Rs. P.
1.	8	970088	14-6-75	M/s. Mahabir Oil Industries Seram	M/s. Liberty Oil Mills	752·00	1,184·00
2.	9	970089	,,	,,	,,	752·00	1,184·00
3.	10	970090	,,	,,	,,	459·00	722·00
4.	11	970148	,,	,,	,,	808·00	1,243·00
5.	12	970149	,,	,,	,,	808·00	1,243·00
6.	13	970150	,,	,,	,,	808·00	1,243·00
7.	14	970151	,,	,,	,,	808·00	1,243·00

Ex Seram to Ghatkopar.

In respect of two items viz. RR No. 970089 and 970090 mentioned above, the relevant RRs were endorsed in favour of the petitioners Ms. Tokarshi Jaiii & Co., and therefore refund due was arranged in their favour.

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It then transpired that the Station Master, Saram charge freight at class 52.5 as against correct class rate at 92.5 and also wrote to S.M. Ghatkopa. confirming this error. Meanwhile, the petitioner, lodged their claims for refund of excess freight their Advocate's letter, dated 4-10-75, addressed to the General Manager, Central Railway Bombay V.T. as required under Section 78(B) of I.R.B.A

The Central Railway, Chief Commercial Supdt., as per his letters (for all RRs) advised the petitioners that they are neither the consignees nor sendersand as such the claim is inadmissible and cannot be entertained. Petitioners, therefore, obtained a letter of authority for each RR and forwarded to Central Railway. This letter of authority was attested by Station Master, Ghatkopar. The Central Railway addressed letters to the petitioners, reading as under:-

"reference your letter.... as stated in this office letter No. even dt.....the claimants in this case viz. M/s. Tokarshi Lalji & Co., are neither the senders nor consignees and as such their claim is inadmissibl and cannot therefore be entertained. The letter of authority produced from M/s. Liberty Oil Mills if favour of the claimants will not, therefore, entitn them to receive the amount refundable, if any duele However, if a necessary power of Attorney is produc from M/s. Liberty Oil Mills in favour of theed claimants the claim will be dealt with further."

The petitioners submit that the demand of the railway in calling for special power of Attorney is unjust and uncalled for in as much as that, the petitioners sent a letter of authority from M/s. Liberty Oil Mills—consignees and buyers, authorising the railway to pay the amount of refund due against the railway receipts to the petitioners and the claimants. The petitioners also submit that they are the party to

In respect of the other five Railways receipts, even though freight was incorrectly charged M/s. Tokarshi Lalji & Co., have no *locus standi* as they are neither the consignor nor the consignees and the RRs were not endorsed to them. In respect of these five consignments, M/s. Liberty Oil Mills, who were the consignees have paid frieght and have taken delivery. Since M/s. Liberty Oil Mills have not preferred any claim in respect of these five consignments, the letters of authority given by them, in favour of M/s. Tokarshi Lalji & Co. have no meaning and any refund of excess freight collected is not liable to be arranged to M/s. Tokarshi Lalji & Co.

M/s. Tokarshi Lalji & Co., preferred their claims through an advocate namely Shri M.A. Modi, who is a known claim agent. As mentioned above, the party are neither consignor nor consignees in respect of the five consignments and hence their claim preferred throught Advocate/Claims Agents was treated as from Claims Agents/Commission Agent by the Railway Administration and a power of Attorney was insisted upon."

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	receive the amount of refund and have accordingly claimed the same and no other party has come forward claiming the refund. This wrong action in demanding SPA is deliberate to harass the petitioners and/or deprive of their legitimate amount of refund which the railway has charged in excess due to their own negligence and/or wilful misconduct. Liberty Oil Mills have executed letters of authority authorising the Railway to pay the amount of due and entitling the petitioners to receive the same. This document by itself is very specific and independent and there is no law which prevents the railway to keep back the amount of refund unless of course if the Railway Administration have intention to keep back the amount due to the petitioners by systematic frauds. The petitioners, therefore, beg to submit that the Committee be pleased to examine these facts and order the Central Railway Administration to order refund of excess freight."		
7.	Shri Beant Singh Leader, Municipal Cong. (I) Party, 48-Hide Market, Amritsar.	Establishment of International Airport at Amritsar.	**Ministry of Tourism and Civil Aviation.** In their factual note dated 6-8-1981, the Ministry of Tourism and Civil Aviation stated as follows : "There is a persistent demand from the Government of Punjab, Members of Parliament and various Public bodies for starting International flights through Amritsar. Air-India based on a Traffic Survey of this aerodrome conducted by them in 1978 were of the view that there was traffic potential for starting flights to London *via* Amritsar twice a
	In his representation dated 14-1-81, Shri Beant Singh stated as follows : 'The City of Golden Temple is one of the pioneer cities of Punjab. In importance, it rank neck to neck with the historical city of Lahore, which is now in Pakistan. The Golden		

Temple city, shared honours for trade, commerce, historical and religious importance in this part of North India. Since partition Amritsar is the premier take off centre for trade routes emanating to Middle-East and European countries. The junction is the take off point from India for all trade commerce and tourist traffic to the Northern Hemisphere of the world. So far, the city boasts of a railhead and domestic Air-line stop. It is of utmost importance that to cope with the Middle-East, European, E.E.C., countries trade and tourist movement, the city should be linked by International Air lines with these countries. For these purposes an International Air Port is needed at Amritsar.

(2) Number of times the proposal has been mooted by various bodies, individuals, civic authorities and important publicmen of the region for provision of such a facility at Amritsar. The expanding town, the increasing town population, the multifarious trade. the multiplying tourist traffic and the impending need of future fast traffic modes make it essential that an International Airport at Amritsar be established very soon. Punjab is a very flourishing State and as such has no outlet for its trade, industry and industrial production. The State is land-locked. It is handicapped and does not permit free trade to meet the needs of the State as well as the region, which also includes Himachal Pradesh, Jammu & Kashmir, Haryana besides Punjab.

(3) There is no doubt that the provision of an International Airport involves financial commitments which can be met by the Central Government. Also the kind of facilities and amenities and the magnitude of the facilities

week. For this purpose, however, the aerodrome as it is now is not fit to take the international aircraft and has therefore to be developed for Boeing 747 operations as they would be phasing out Boeing 707 from their fleet in the next few years.

Amritsar aerodrome has a runway of 9150 feet x 150 feet with a strength of LCN-40. It is not suitable for operation with either Boeing 707 or Boeing 747 aircraft. For regular operations with Boeing 747 aircraft the runway has to be extended to 12500 feet and the entire runway has to be strengthened to LCN-100. The taxiway and apron will also need to be developed. Apart from that a new terminal building is also required to be constructed. the entire project for development of the aerodrome for Boeing 747 of operations is estimated to cost roughly Rs. 14 crores including the cost of equipment to be installed. It is likely to take about 4 years for completion of this project after it is sanctioned.

Due to severe financial constraints it was not possible to include this project in the Sixth Five Year Plan (1980-85). Efforts are however being made to obtain additional funds in the current Plan for taking up this work."

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	which need to be provided can only be sanctioned and established by the Central Government. (4) Your august position with the Central Government and your progressive attitude towards any kind of future development can only hold in procuring this facility for this part of the country. As you are aware that a suitable outlet has to be established in such a land-locked area to give it the necessary potential and incentive of development. Now, the goods are transported to Delhi or any of the ports in India from where it is airlifted and shipped to foreign countries and similarly the men and material are moved. To meet the increasing load of trade and to fully exploit the potential of the area as well as to share the load of existing ports any dry ports. This International Airport will go a long way and give impetus to the premier city of Punjab and add to the progress of the State.. (5) I am sure that you would fully understand my keenness to approach you for getting this project implemented as this has been held up for a very long time. It is also of paramount importance for the dignity of the Party and to uphold its high ideals of progressive, socialistic principles."		
	Ministry of Steel and Mines (Department of Mines),		
Shrimati P. K. Achamma Yohannan, Madiyil Veedu, Thattayil, Alleppey District.	Grant of educational concessions to her children.		
In her representation received through Kerala Legislature Secte., the petitioner stated as follows :—		In their factual note dated 17-7-1981, the Ministry of Steel and Mines (Department of Mines) stated as follows :—	

"My husband Shri M. G. Yohannan was working as Drilling Assistant in the Department of Geological Survey of India, Ministry of Steel and Mines. While he was proceeding for duty on 21-6-69 in a departmental jeep, it met with an accident involving a van of the Department of Agriculture, Government of Mysore and he was injured and was admitted in the Bellary Medical College, where in he expired.

I have two female children aged 13 and 11 years. I am getting only a nominal pension. It is very difficult for me to make both ends meet with that amount. But, in spite of repeated representations submitted to the department for getting the educational benefits to my children, the Geological Survey of India replied in the negative in their letter No. 6406/1/177/67/15/AD. M.G. 7 Bangalore 11 dated 13-9-1973. But it is understood that children of the Government servants who died in harness are getting educational concessions. As my husband was a Central Government employee and died while proceeding for duty in the departmental jeep met with an accident involving another Government Van, I humbly request that educational concessions may be granted to the children of my deceased husband also."

"Shri M. G. Yohannan, Drilling Assistant attached to the Karnataka Circle of the Geological Survey of India, while he was proceeding on duty on 21-6-69 in a departmental vehicle met with an accident and expired on the same day. As per Family Pension Rule, 1964 Family Pension @ Rs. 90/- per month with effect from 22-6-69 was granted to the family of the deceased.

(2) Smt. A. Yohannan wife of the deceased employee, applied for Children's Education Allowance for her two school going children to the Director on 20-8-73. In terms of GIMF OM No. 4(3)-EV (B) 71 dt. 13-10-72 Children's Education Allowance is admissible to the children of one who dies due to 'risk of office' or 'special risk of office' but this order applies to cases of individuals who were in service on 7-11-70 or who entered service after that date and who died on or after that date. Since Shri Yohannan died on 21-6-69, the order does not apply in this case. This was intimated to Mrs. Yohannan by the Director on 13-9-73.

(3) Her case was then examined in the light of GIMF Resolution No. F.3(1)-EV/66 dated 21-3-66, which states that cases occassionally do arise where, in spite of the death benefits received by the family, the dependents continue to be in indigent circumstances or have special needs for which *ex-gratia* financial assistance is necessary. The formal application for grant from Compassionate Fund was submitted by the applicant to the Director on 19-6-80, almost eleven years after the death of her husband, while para-3 of the "Rules regulating the Compassionate Fund of the Govt. of India" enjoins that ordinarily no such application will be considered unless the same is submitted within a year of the death of the Govt. servant.

(4) The case was not recommended to the Govt. in view of the fact that the application for assistan

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			was received more than 10 years after the death of the applicant's husband. It was also ascertained that school education in Kerala was free upto the high-school standard."
		Ministry of Information and Broadcasting (Office of the Registrar of Newspapers for India).	
9.	Shri Vishwanadha Sarma, Journalist, 13-28-7, Maharanipeta, Visakhapatnam.	Allotment of title for starting weekly magazine.	
	In his representation dated 14-3-81, Shri Sarma stated *inter alia* as follows :—		In their factual note dated 5-5-1981 the Ministry of Information and Broadcasting stated as follows :—
	"I am now working in a Local Telugu Daily "Vijaya Bhanu" and the entire paper is my Pen Work. I wished to start a Telugu Weekly of my own and applied for the Title 'CHETANA' *vide* my application dated 22-10-80 to the Register of News papers, Government of India, Tolstoy Marg, New Delhi, through the Sub-Divisional Magistrate, Visakhapatnam-2. In my application, I have suggested 4 alternative titles too, for allotting any in case the asked Title Chetana is not available.		"The applicant, Shri T. Viswanadha Sarma, made an application through the Revenue Divisional Officer, Visakhapatnam for clearance of title *vide* their letter dated October 28, 1980. Since the titles applied for therein were not available under Section 6 of the Press and Registration of Books Act, 1867, a communication was sent to that effect to the R.D.O. *vide* this office letter No. 20/19/80 dated December 5, 1980. The R.D.O. was also requested to advise the publisher to suggest some other titles for his proposed publication for verification. However, a reminder was received from the applicant direct at this office, in reply to which he was informed of non-availability of the titles proposed by him *vide* this office letter No. 20/18/RE/81-NT dated February 7, 1981, subsequently this office received a reminder to their letter of October 28, 1980 from the R.D.O., Visakhapatnam, who had apparently not received this office letter dated December 5, 1980 sent in reply. In reply to the reminder, this office sent another letter No. 20/19/RE/80 dated
	* * * *		
	The Registrar's Office, in their letter No. 20/19/RE/81-NT dated 7-2-1981 has informed me that, none of the Titles is available.		
	* * * * * *		
	On receipt of the above letter, I have again made an application (as per their instructions) on dated 13-2-1981, to Registrar, to allot me 'SOWBHAGYA'. This time too, I have suggested alternative as follows :—		

1. PUNYABHOOMI
2. SAMATHA VANI
3. DHARMA JYOTI
4. VIZIANAGARA JYOTHI

* * * * *

What I pray you is to probe into this case with Registrar's Office and to see that I should get a Title at least this time, without any delay. I pray you to pull up the concerned Section in Registrar's Office to do justice to me."

February 27, 1981, repeating the contents of the earlier letter of December 5, 1980, to the effect that the titles proposed were not available and suggesting that the publisher might be advised to propose some other titles.

Subsequently, Shri Sarma made another application through the Revenue Divisional Officer, Visakhapatnam, proposing a few more titles for verification *vide* their letter No. 1069/81/L dated February 18, 1981, received at this office on February 28, 1981. One of the titles proposed in that letter, namely, "Punya Bhoomi" for a Telugu Weekly was found available and was cleared in favour of Shri T. Viswanadha Sarma, *vide* this office letter No. 20/19/81-RS dated March 17, 1981. The publisher is likely to have received intimation of the above from the R D O. Visakhapatnam.

Shri T. Viswanadha Sarma has apparently presumed this office letter dated February 27, 1981 as a reply, to his second application proposing a few more titles whereas it referred to his earlier application and was in reply to his reminders thereof. With reference to his second application, this office found one title available and intimated the R.D.O. concerned as early thereafter as possible on March 17, 1981."

In his letter dated the 13th April, 1981, Shri Sarma intimated that he had been allotted the title "Punya Bhoomi". He expressed thanks for intervention in the matter.

Ministry of Energy(Department of Coal).

10. Shri A. K. Kayal, Secy.-General, All India Scheduled Castes/Tribes & Backward Classes Employees Coordination Council, 309, Bepin Behari Ganguly St., Calcutta-700012.

Reinstatement in service of Shri Haboo Muchi by Barmonda Colliery, P.O. Ethora, Distt. Burdwan.

In his letter dated 30-3-1981, Shri Ram Pyare Panika, M.P. stated as follows :—

"As a representative of the people I shall be failing in my duties towards my countrymen,

In their factual note ad 8-7-1981, the Ministry of Energy (Department of Coal) have stated as follows:—

"The representation of Shri Haboo Muchi had earlier been received in this Department, also through the all India SC/ST & Backward Classes Employees Coordination Council and it was forwarded to the Chairman, Eastern Coalfields Limited for consider-

if I fail to ventilate the pathos and woes of the weaker section of the society. The enclosed representation received from Secretary-General, All India SC/ST & BC Employees Co-ordination Council will speak for itself (*See* Annexure). I take this opportunity, to apprise you about a gross injustice done to one innocent Scheduled Caste employee.

Shri Haboo Muchi, a Mazdoor of Barmonda Colliery, P.O. Ethora, Distt. Burdwan of E.C.L., was appointed as a Mazdoor by the then proprietor. At the time of entry in the service in the year 1955 his year of birth has been recorded as in 1930.

This will be confirmed from a Photostat copy of the Coalmines Welfare Provident Fund. But after Nationalisation a fresh Identity Card was issued and in that card bearing the same P.F. Number his date of entry has been shown 20-7-1965 and year of birth to be 1920. Accordingly he was retired in the year 1978. Shri Muchi has gone from door to door and nobody has heard him and he is facing starvation, he has 10 years service more to his credit and he is being deprived of that. This has probably happened due to clerical mistake during taking over by the Government.

However, I solicit a probe into the matter so the truth emerges out and deprived person gets the normal justice.

The innocent man was retired prematured. He has gone door to door and nobody has even heard him. This is the state of affairs of E.C.L.

ation. We have since received the comments of the Chairman, Eastern Coalfields who has reported that Shri Muchi's date of superannuation was 1-12-80, which is perfectly in order, and no injustice has been done to him. Shri Muchi was also examined by the Age Determination Committee which also confirmed his age as 60 years, and hence he was superannuated w.e.f. 1-12-1980."

When everybody is hoping that the downtrodden person will get some relief, we find everyday some way or other these people are being deprived of minimum Justice a human can expect.

Kindly look into the matter so that Shri Haboo Mudhi is reinstated in his job without loss of time."

Annexure to Item No. 10

ALL INDIA SCHEDULED CASTES/TRIBES AND BACKWARD CLASSES EMPLOYEES CO-ORDINATION COUNCIL

(Regd. No. S/12963)

Regd. and H.O. 309, Bepin Behari Ganguly Street,
Calcutta-700012.

Ref. 3/15-ECL/81 Dated 23-3-81

To

Shri A. B. A. Ghani Khan Chowdhury,
Hon'ble Minister of Energy,
Govt. of India, New Delhi.

SUBJECT.—*An appeal for bestowing justice to Shri Habu Muchi of Barmonda Colliery, T. Mardev C.MPF No. B/395139 under Eastern Coal Field Asansol, West Bengal.*

Respected Sir,

Kindly, find enclosed herewith a photostat copy Enclosures I, II and III. This is a case of gross injustice meted out to Shri Habu Muchi who was appointed in Barmondia Colliery in the year 1955, during his appointment, his year of birth recorded 1930, accordingly he was supposed to retire in the year 1988, instead of 1978 as has been done by the ECL authority, which needs proper probe and deserve justice.

The photostat copies of the Coal Welfare P.F. Card will speak how privileged class takes the advantage of illiteracy and ignore of people of the lower rung of the societies. At the time of his initial appointment, his year of birth was 1930 but when the Coal Industry was nationalised, a fresh P.F. Card was issued and by a stroke of pen his age was enhanced by ten years and year of birth became 1920 and date of joining recorded 20th July 1965. Thus he lost 10 years of valuable life and was totally removed from his service. It may be pointed out that his Provident Fund account also has not yet been settled.

This gross injustice caused great harm to an innocent citizen of India like Shri Muchi. The family of Shri Muchi is now on starvation and need all out sympathy, help and shelter. Under the circumstances, it is our earnest appeal to your goodself, kindly consider the case sympathetically and Shri Habu Muchi may kindly be reinstated at the earliest and oblige.

Yours faithfully,
Sd/- 23-3-81
(A. K. KAYAL),
Secretary-General.

2	3	4
11. Shri Daram Dutt Sharma, H. No. 1462, Panna Paposian, Narela, Delhi.	Changes of original alignment of Bankner Link Drain	*Ministry of Irrigation* In their factual note dated 17-8-1981 the Ministry of Irrigation have stated as follows :—

In his representation dated 3-11-1980, the petitioner stated *inter alia* as follows :—

"I beg to draw your kind attention to the discrimination by the survey Department, Delhi Administration, Delhi regarding change of original alignment (Bankner Link Drain)

That I am the owner of rectangle No. 14, Killa No. 1, 2, 3, belonging to Late Pt. Har Narain, Advocate.

That the Nagnadi in original flow is from time immemorial, now it is known as Bankner Link drain. The original flow of Nagnadi is in the middle of fields bearing killa No. 25, 21, 22, 23 and 24.

That last year some officer of Delhi Administration surveyed this Nagnadi. It was told to us that Govt. is considering a proposal to widen the drain. The survey was conducted in my presence and one Pt. Chunni Lal, farmer and the demarcation was given adjacent to the consolidation stone.

That on 9-7-80 some staff of Delhi Administration along with labour were reached to my land and marking points to change the old alignment.

That the new demarcation has been given on my land which is 7,00 feet high then the natural flow of Nagnadi. It was told that they have came to digging the land. However they were persuaded not to do so till we confirm the actual position in this regard.

"Delhi Administration has reported that the alignment for the Bankner link Drain was fixed jointly by the Chief Engineer, Irrigation Department, Haryana, and the Chief Engineer (Floods) Delhi Administration, on the basis of technical considerations keeping in view the site conditions. Delhi Administration has further reported that the land has since been acquired and that the drain has been constructed in this reach and that Shri Dharam Dutt Sharma has submitted a letter to the Delhi Administration stating that he has withdrawn his representation against the alignment of the drain.

This has the approval of Minister of State (Irrigation)."

That this change of old alignment shall form three course of water and there will be no way out for disposal of rainy water and also stop my way to go to my fields and 15·00 Bighas of land goes waste out of 45·00 Bighas and also divided the land into small pieces.

This change of alignment will be expensive because Govt. has to spent a huge amount to pass the rainy water at the height of 7,00 by changing the natural flow of water. A rough map is enclosed herewith to show the natural flow of water. I am a poor farmer having three sons, two daughters and widowed other and we are dependent upon this land.

.is prayed that inspection may kindly be made in the interest of justice and old alignment may not kindly be changed by introducing a fresh alignment."

12. Shri M. Narayanaswamy, Ex. No. 1311180 L/NK, Panthala Kandi Gai Village, Veera Kaveri Rajapuram Post, (Via) K. G. Kandigai, Thiruthani Taluk, Chengalpet District-631205. Tamil Nadu.

"In the meantime, I have received yet another shock from my Record Office (Defence Security Corps Records, Mill Road, Cannanore—670013). At a time when I was expecting the commuted amount of pension my Record Office states that I had already commuted Rs.17/-out of my entitlement of Rs. 35/- according to the Controller of Defence Accounts, Allahabad letter No. PPO 2S/Com/5854/80 which is incorrect. In fact after the necessary medi-

Payment of commuted amount of pension.

In his representation dated 11-4-1981, the petitioner stated as follows :

Ministry of Defence

In their factual note dated 18-8-1981, the Ministry of Defence stated as follows :—

"Ex-No.-1311180 L/Nk. No. Narayanaswasy was discharged from Madras Engineering Group with effect from 1st August, 1968 and was granted service pension of Rs. 22 per month, under CDA (P) Allahabad PPO S/14293/68. He was re-enrolled in DSC on 10th October, 1969 and was released therefrom with effect from 31st October, 1974. He was granted service pension at the rate of Rs. 39 per month. Subsequently, consequent upon the re-

cal Board held at the General Hospital at Madras in April, 1980 I had been anxiously waiting for the commuted value of my pension, that is Rs. 5,804.40 since December, 1978.

* * * * * *

That I have been longing to get the commuted pension since December, 1978. I had borrowed a sum of Rs. 5000/- for my daughter's marraige by pledging my gold jewlly on exorbitant rate of interest from the private partner. Because of this abnormal delay in the disbursement of the commuted value of pension I am afraid whatever little amount I am going to get has to be paid back to the debtors.

* * * * * *

Under the circumstances I request your honour to go through petition and take immediate action to redress my grievance."

vision of rates of pension w.e.f. 1-1-73 on the recommendations of the Third Pay Commission , his pension was revised to Rs. 78. However, endorsement to this effect could not be made on the original PPO, with the result that although the individual had applied for commutation of 45% of pensior, commutation of pension at the rate of Rs. 17 per month only (45% of Rs. 39) was notified *vide* CDA (P) Allahabad PPO S/Com/5824/80. The CDA (P) has, however, now reported that further commutation of pension at the rate of Rs. 18 has now been notified *vide* his PPO No. S/Com/4360/81 for Rs. 2985.10 which has been sent to the Treasury Officer, Chenglepet on 15th July, 1981 under intimation to the pensioner. The individual has thus been allowed commutation of pension for Rs. 35 per month i.e. 45% of his pension was Rs. 78 P.M."

GMGIPMRND—LS I—3366 LS— 83-82—525.